

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

77-1030

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

DOCKET NO. 77-1030

UNITED STATES OF AMERICA

APPELLEE,

- v. -

WAYNE BROWN,

APPELLANT.

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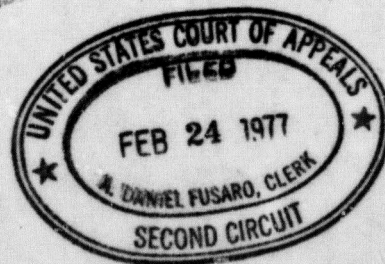
On Appeal from the United States District Court

For the District of Connecticut

Appendix for the Appellant

Daniel H. Kennedy, Jr.
Special Federal Public Defender
10 Ellsworth Road
West Hartford, Connecticut 06107

VOLUME II



PAGINATION AS IN ORIGINAL COPY

1 R I T A H E N R Y, called as a
2 witness, being first duly sworn, was examined,
3 and testified as follows:

4 THE CLERK: Will you state your name?

5 THE WITNESS: Rita Henry.

6 THE CLERK: Rita Henry?

7 THE WITNESS: Yes.

8 THE CLERK: H-e-n-r-y?

9 THE WITNESS: Right.

10 THE CLERK: And your address, Miss Henry?

11 THE WITNESS: 26 Ludlowe Road, Windsor.

12 THE CLERK: Windsor, Connecticut?

13 THE WITNESS: Right.

14 DIRECT EXAMINATION

15 BY MR. DABROWSKI:

16 Q Mrs. Henry, are you employed?

17 A Yes, I am.

18 Q How are you employed?

19 A I work at Connecticut General Life Insurance.

20 Q Directing your attention to July 10 of 1976, at
21 approximately eleven a.m. in the morning, do you now recall
22 where you were at that time on that date?

23 A Yes. I had driven up to the drive-in teller at
24 United Bank & Trust Company.

25 Q Do you see this gentleman in the blue suit here

1 (indicating)? I think if you try and talk to him, then
2 everybody will be able to hear you. Try and keep your voice
3 up.

4 A Okay.

5 Q Exactly where were you at that time and at that
6 date?

7 A At United Bank & Trust, drive-in teller, in the
8 Windsor Shopping Center.

9 Q Were you in a car?

10 A Yes, I was.

11 Q Was anybody else with you at that time?

12 A No.

13 Q All right. What were you doing in a car at the
14 drive-in teller's window?

15 A I had driven up there to make a deposit in the bank.

16 Q Did you, in fact, make a deposit?

17 A No, I did not.

18 Q What happened when you pulled up -- did you pull up
19 to the drive-in teller's window?

20 A Yes.

21 Q Now, as you pulled up, what happened?

22 A Well, I waited there for a second because there
23 wasn't any teller at the window. And as I was looking into
24 the bank I noticed a black male vaulting over the counter
25 into the customer area. And I thought that was a little

1 strange, at first.

2 Q You noticed a black male vaulting the counter.
3 Through the drive-in teller's window?

4 A Yes.

5 Q How far away from you, in terms of feet, was this
6 individual when he vaulted the counter?

7 A Well, I don't know exactly. He would be inside
8 the bank, I was on the outside; so I don't know what that
9 would be in feet.

10 Q For example, was it as far away as I am?

11 A I would say so, probably.

12 MR. DABROWSKI: May the record indicate
13 approximately ten feet, your Honor.

14 Q Now, when you say he vaulted over the counter,
15 was he carrying anything?

16 A He had a case in his hand.

17 Q Do you recall what color the case was?

18 A Well, it was dark. It looked to be black.

19 Q What did you do when you saw that?

20 A Well, it took me a couple of minutes to decide
21 what was happening and --

22 Q Did it actually take you a couple of minutes?

23 A Well, a second or so. I thought it was strange.

24 I looked into my rear view mirror and I saw two
25 males come around the corner of the bank from the front.

1 Q Okay. Now, you said it took you a couple of
2 minutes to realize what was happening?

3 A Right. Well, a couple of seconds, actually.

4 Q How much time elapsed between the time you saw
5 this individual vault the counter and the time you saw
6 somebody in your rear view mirror?

7 A Maybe a couple of seconds, really. Maybe three
8 or four seconds.

9 Q Well, was the individual you saw in your rear view
10 mirror the individual that you saw vault the counter?

11 A Well, I don't know which one was going over the
12 counter.

13 Q Well, was one --

14 A One of the two, yes.

15 Q How did he get out there in a couple of seconds?

16 A I don't know. They were fast.

17 Q All right. To you it was a couple of seconds?

18 A Yes.

19 Q All right. Now, what happened after you saw them
20 in -- you saw two individuals in your rear view mirror. What
21 happened?

22 A Well, they were walking toward my car, and I saw
23 them. They hesitated for a moment and then started running.

24 I then backed up a couple of feet, looked into the
25 bank window and saw people getting up off the floor, and some-

1 body came out of the bank saying that it had been robbed.

2 So I then took my car and I went up around the
3 bank and up the hill behind the bank and around Windsor
4 Avenue, and came back into the shopping center.

5 Q Why did you do that?

6 A To see if I could see anything.

7 Q Now, are you familiar with the interior of the
8 bank?

9 A Yes.

10 Q Assuming that this jury rail here is the bank
11 counter, --

12 A Yes.

13 Q -- the drive-in window is where the exit sign is,
14 is that correct?

15 A Right.

16 Q The front entrance is where the Court is seated,
17 is that correct?

18 A Yes.

19 Q You were parked in a car outside of that door?

20 A Right.

21 Q Now, they ran by you, these two individuals, one
22 of whom you saw vault the counter, ran by you, is that correct?

23 A Yes.

24 Q And they went in the direction of the back of the
25 bank?

1 A Yes.

2 Q Did they keep running straight, or when they got
3 to the back of the bank did they turn?

4 A Well, they had to turn because they went around
5 the corner of the end of the bank building.

6 Q All right. And then you backed up?

7 A Yes.

8 Q And then, in addition, you observed confusion in
9 the bank and also someone else advised you the bank had been
10 robbed?

11 A Yes.

12 Q And then you drove out to the back of the bank?

13 A Yes.

14 Q How much time elapsed between the time you saw
15 them disappear from sight in the back of the bank and the
16 time that you drove to the back of the bank?

17 A I would say maybe three or four minutes.

18 Q When you got to the back of the bank did you see
19 anything?

20 A No, I didn't.

21 Q So you don't know whether or not they left on foot
22 or on car, is that correct?

23 A No.

24 Q Did you then continue to drive around in the
25 general area?

1 A Well, as I say, I went up the hill behind the
2 bank that went onto Deerfield Road and drove around down
3 Deerfield Road, around Putnam Highway, back onto Windsor
4 Avenue, and back into the shopping center.

5 Q Do you know whether they left on foot or in a
6 vehicle?

7 A I do not know.

8 Q Is the area in the back of the bank open or is
9 it wooded; is it dense or is it fairly open?

10 A I would say it's rather open.

11 Q What I'm saying is when you drove the car up into
12 the back of the bank, if they were on foot and had not gotten
13 into a vehicle would you have seen them?

14 A Yes.

15 Q And did you see them?

16 A No.

17 Q But you did not see a car?

18 A No.

19 Q Now I'm showing you Government's Exhibit 12 marked
20 for identification, which is a black briefcase. Do you
21 recognize that?

22 A Well, that could have been the case. It was a
23 case similar to that.

24 Q The case that you saw in the hands of the indivi-
25 dual who vaulted the counter, were they carrying that case

1 when they ran by you?

2 A Yes.

3 Q Now, could you describe each of those individuals,
4 as best you can, to the jury.

5 A I really couldn't describe them, except that they
6 were two young -- I assumed to be young because they were
7 slightly built, males, black males. And that's really all
8 that I could say for certain.

9 Q Do you recall what they were wearing, if anything?

10 A Well, one young man was wearing a flowered shirt
11 and that was the only thing that I observed, because it
12 stood out.

13 Q Do you recall whether they had ties on?

14 A No, I don't know.

15 Q You don't recall, or they did not?

16 A I don't recall.

17 Q I'm showing you Government's Exhibit 14 marked for
18 identification. Do you recognize that shirt?

19 A It could have been the shirt. I don't know for
20 sure.

21 Q Showing you Government's Exhibit 20, do you
22 recognize that shirt?

23 A No.

24 Q Showing you Government's Exhibit 2 marked for
25 identification, have you ever seen that hat before?

1 A No.

2 Q Do you now recall whether or not either one of
3 the individuals that walked by your car had a hat on?

4 A I don't recall.

5 Q Now, when they went by your car and when they
6 went beyond your car to the back of the bank, how were
7 they moving?

8 A Swiftly. They were running. By the time they
9 got by my car, they were running.

10 Q Now, would you look around this courtroom today,
11 Mrs. Henry, and tell the ladies and gentlemen of the jury
12 whether you see either one of the individuals you saw go
13 by your car on that day or the individual who vaulted the
14 counter present here today?

15 A I don't know for sure.

16 Q What do you mean when you say you don't know for
17 sure?

18 A Well, I'm not sure that that's the individual
19 that I saw.

20 Q When you say that you're not sure that that's
21 the individual, are you referring to a particular individual
22 in the courtroom?

23 A The young man sitting there, yes. The young black
24 boy sitting over there.

25 MR. DABROWSKI: Nothing further of this
witness, your Honor.

1 CROSS-EXAMINATION

2 BY MR. KENNEDY:

3 Q Is it Mrs. Henry?

4 A Yes.

5 Oh, I'm sorry.

6 Q Don't leave yet.

7 I'm going to show you Government's Exhibit 24,
8 which is a full exhibit, and ask you if this window that's
9 depicted in the exhibit is the drive-in window of which
10 you were outside?

11 A Yes.

12 MR. KENNEDY: The record should indicate that
13 the witness has identified a window; the only
14 window in Government's Exhibit 24.

15 Q Now, you looked -- you were out in your car looking
16 through the window in the bank, is that right?

17 A That's right.

18 Q And you observed two people in the bank for three
19 or four seconds?

20 A I observed one person. I did not see a second
21 person.

22 Q Okay. That was the person that vaulted the counter?

23 A That's right.

24 Q And you also observed, I take it, both people in
25 your rear view mirror as they were leaving the bank?

1 A Yes.

2 Q For a few seconds?

3 A Yes.

4 Q And you also observed them when they got in front
5 of your car, and in front of your car running by you?

6 A Yes.

7 Q And you observed both of them then.

8 Now, did there come a time after July 10th, 1976,
9 that you were shown a series of photographs and asked to
10 identify?

11 A Yes.

12 Q Were you shown two different spreads of photographs,
13 or one?

14 A I believe two.

15 Q And could you make any identification?

16 A No.

17 Q Is it fair to say, Mrs. Henry, that Government
18 Exhibit 12 for identification, this black briefcase, may or
19 may not have been the briefcase that was used?

20 A Yes, you could say that.

21 Q Is it also fair to say that the flowered shirt
22 and the other articles of clothing you were shown, may or
23 may not have been the articles of clothing that were worn?

24 A Yes.

25 Q And you're not sure whether the person in the

1 courtroom is or is not the person you saw, either of the
2 persons you saw in the bank?

3 A I'm not sure.

4 MR. KENNEDY: Thank you. I have no further
5 questions.

6 MR. DABROWSKI: Nothing further, your Honor.

7 THE COURT: Thank you, Mrs. Henry. You may
8 be excused.

9 (Witness excused.)

10 MR. DABROWSKI: The Government calls Gerry Nunes.
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1 You may read it to the jury.

2 MR. DABROWSKI: Ladies and gentlemen, Mr.
3 Kennedy and I have entered into a stipulation,
4 and what that means is we have agreed that
5 there's no dispute about this particular fact.
6 Therefore, it's not necessary for either party
7 to call witnesses to establish that fact.

8 "It is hereby stipulated between the parties
9 to this action, through counsel, that the 1970
10 green Chevrolet Camaro, Connecticut Registry
11 F4738 is registered to the defendant, Wayne Brown,
12 and that the records of the A.C. Hine Company,
13 an automobile dealership in Hartford, Connecticut,
14 indicate that said green Chevrolet Camaro was
15 purchased by the defendant, Wayne Brown, on June
16 15th, 1976."

17 I would like to file this stipulation with
18 the Court at this time, your Honor.

19 THE COURT: Let me see that.

20 All right.

21 MR. DABROWSKI: Yes, your Honor?

22 THE COURT: Do you have more witnesses?

23 MR. DABROWSKI: Yes, we do, your Honor.

24 The next witness we are prepared to call, and
25 he is present at this time, is Detective Gasparino

1 J O H N G A S P A R I N O,

2 called as a witness, being first duly sworn, was
3 examined, and testified as follows:

4 THE CLERK: Will you state your name for
5 the Court?

6 THE WITNESS: Yes. John Gasparino.

7 THE CLERK: How do you spell your last name?

8 THE WITNESS: G-a-s-p-a-r-i-n-o.

9 THE CLERK: And your address, Mr. Gasparino?

10 THE WITNESS: 340 Bloomfield Avenue, Windsor,
11 Connecticut.

12 DIRECT EXAMINATION

13 BY MR. SMITH:

14 Q Good morning, Mr. Gasparino.

15 A Good morning, sir.

16 Q Are you employed?

17 A Yes, I am.

18 Q Would you tell us how you are employed and how
19 long you've been so employed?

20 A I'm employed as a Detective in the Windsor Police
21 Department for twelve years.

22 Q And how long did you reside in the Town of Windsor?

23 A All my life, sir.

24 Q Directing your attention to Monday morning, July
25 12th, 1976, did you have occasion to go to the Stanadyne

1 Company in Windsor?

2 A Yes, I did, sir.

3 Q And for what purpose did you go there?

4 A With regard to an abandoned motor vehicle.

5 Q What time did you arrive, approximately?

6 A Approximately ten o'clock, sir, a.m.

7 Q And what, if anything, did you see when you got
8 there?

9 A I found a 1970 green Chevrolet Camaro parked
10 behind -- in an unusual spot behind a building, one of the
11 factory buildings.

12 THE COURT: What kind of a spot?

13 THE WITNESS: A secluded spot, sir. It's
14 off the parking area. It's an alley-type way.

15 THE COURT: All right.

16 Q (By Mr. Smith) It was not parked in the regular
17 parking?

18 A No sir, it wasn't.

19 Q Can you tell us what, if anything, the place where
20 the car was parked is used for?

21 A It is used for a driveway to get to a dumpster.

22 Q And from the position where this car was parked,
23 was it possible for a dumpster truck to get by it to the
24 dumpster?

25 A No sir, you couldn't. It would be very hard to.

1 Q Now, were any photographs taken of this car where
2 it was parked in back of the Stanadyne Company?

3 A Yes, there were, sir.

4 Q Showing you Government's Exhibits 25(a), (b) and
5 (c), which are photographs, do these photographs accurately
6 depict the car that you saw that day?

7 A Yes, sir.

8 Q And from the photographs can you tell us what the
9 registration of that car was?

10 A Yes, sir. TF-4738, Connecticut Registration,
11 Passenger.

12 Q Now, did you have a conversation with any of the
13 employees of Stanadyne concerning that car?

14 A Yes, I did, sir.

15 Q And who were the employees with whom you had a
16 conversation?

17 A Leroy Thomas, a Peter Campbell, and a Jerry Nunes.

18 Q And do you know what job Mr. Campbell performs?

19 A Yes, sir. He's head of security at Stanadyne.

20 Q What was the substance of that conversation?

21 A They informed me that they observed this vehicle --
22 MR. KENNEDY: Well, I would object to this,
23 your Honor.

24 THE COURT: Sustained.

25 Q As a result of that conversation what, if anything,

1 did you do?

2 A Searched the vehicle.

3 Q And did you find anything during the course of
4 that search?

5 A Yes, I did.

6 Q Showing you Government Exhibit 1 for identification,
7 I ask you do you recognize this?

8 A Yes, sir.

9 Q Did you find that -- well, how is it that you
10 recognize that?

11 A Well, the dusting powder on these sunglasses,
12 they were found in the green Chevy Camaro.

13 THE COURT: What kind of powder?

14 THE WITNESS: There was dusting powder for
15 fingerprints. We dusted them at the police station.

16 THE COURT: I see.

17 BY MR. SMITH:

18 Q They were found by whom?

19 A They were found by myself.

20 Q Showing you Government Exhibit 2 for identification,
21 do you recognize this?

22 A Yes, sir.

23 Q And why is it that you recognize that?

24 A The blue denim cap, I found it in the rear seat
25 of the green Chevy Camaro.

1 Q And showing you Government Exhibit 3 for identi-
2 fication, do you recognize this?

3 A Yes.

4 Q And if so, how is it that you recognize it?

5 A The design of the sails, and this was what I found
6 in the car.

7 THE COURT: What is the number on the glasses
8 there, Detective?

9 THE WITNESS: Exhibit 1, sir.

10 THE COURT: 1?

11 THE WITNESS: Yes, your Honor.

12 THE CLERK: That's 1 for identification,
13 Judge.

14 THE COURT: Yes, for identification.

15 BY MR. SMITH:

16 Q Showing you some other things, Detective Gasparino,
17 showing you a bag which is marked as Government Exhibit 9
18 for identification, do you recognize this? And, if so, tell
19 us how you recognize it.

20 A This was in the trunk of the vehicle.

21 Q That same green Camaro?

22 A The green Camaro, yes, sir.

23 Q And showing you Government Exhibit No. 8 for iden-
24 tification, do you recognize this plastic bag with "Tuesday's"
25 written on it?

1 A Yes, I do. This was in the trunk of the vehicle
2 also.

3 Q How about Government Exhibit 7 for identification,
4 which I'm now showing you - do you recognize that?

5 A Yes. This was in the trunk, on the floor of the
6 trunk in the Camaro.

7 THE COURT: What is it?

8 THE WITNESS: It's a little pull-over ski
9 mask.

10 BY MR. SMITH:

11 Q Showing you a briefcase, which is a brownish
12 colored briefcase, marked as Government Exhibit 5 for iden-
13 tification, do you recognize that?

14 A Yes, sir. This was found in the Camaro on the
15 floor of the trunk.

16 Q Showing you another briefcase, which is marked
17 Government Exhibit 4 for identification, do you recognize
18 Government Exhibit 4?

19 A Yes, sir. This was in the trunk of the Camaro.

20 Q And showing you Government Exhibit 6 for identi-
21 fication, which is a cordovan colored briefcase, do you
22 recognize this?

23 A Yes, sir. This was in the rear seat of the Camaro
24 inside the car.

25 THE COURT: Found on the floor in the rear?

1 THE WITNESS: In the car, right, sir.

2 In the rear seat.

3 Q (By Mr. Smith) Showing you a bag, Detective
4 Gasparino, which is kind of a manilla bag with writing on
5 it and it's marked as Government Exhibit 10 for identifica-
6 tion, I ask you to look into that bag and see if you recog-
7 nize anything in there.

8 Putting aside that for a second.

9 A This is the calculator, I believe. Yes.

10 Q Generally, do you recognize --

11 A Yes, sir.

12 Q -- the items inside of this bag?

13 A Yes, sir.

14 Q And how is it that you recognize those items?

15 A These were taken -- I took these from the console,
16 or the glove compartment console, of the Chevy Camaro.
17 Papers are in there.

18 Q Showing you, in particular, an object which is
19 marked as Government Exhibit for identification 10(a), do
20 you recognize this?

21 A A bank book, yes sir.

22 Q And why is it you recognize that?

23 A I found this inside the glove compartment. And
24 the name is Wayne X. Brown, bank book.

25 Q Now, what did you do with these items once you

1 found them?

2 A They were taken back to police headquarters.
3 They were tagged, put in evidence and secured.

4 Q Were they retained by you?

5 A Yes, sir.

6 Q Did there ever come a time when these items left
7 your custody?

8 A Yes, sir.

9 Q And when was that, where was that, and to whom
10 did you relinquish custody?

11 A They were relinquished to you at the Grand Jury
12 in September.

13 MR. SMITH: Your Honor, I move for the
14 admission as full exhibits of Government's Ex-
15 hibits for identification 1 through 9 and 10(a).

16 MR. KENNEDY: Well, could Mr. Smith offer
17 them one at a time, your Honor, indicating which
18 exhibit they are, and I'll indicate whether I have
19 an objection?

20 THE COURT: Well, 1 are the dark glasses.

21 MR. KENNEDY: No objection, your Honor.

22 THE COURT: Full exhibit.

23 (Government's Exhibit 1: Sunglasses, marked
24 full exhibit.)

25 THE COURT: Exhibit 2 is the hat, the denim

1 hat.

2 MR. KENNEDY: No objection.

3 (Government's Exhibit 2: Hat, marked full
4 exhibit.)

5 THE COURT: Exhibit 3 is the tie.

6 MR. KENNEDY: No objection.

7 (Government's Exhibit 3: Tie, marked
8 full exhibit.)

9 THE COURT: 4 is this envelope, leather
10 envelope case, zipper envelope briefcase.

11 Is it empty?

12 MR. SMITH: No, your Honor. It appears to
13 contain something.

14 THE COURT: Contains some paperbacks?

15 MR. SMITH: Five paperback books.

16 THE COURT: Do you claim anything written
17 on the paperbacks or anything in them?

18 MR. SMITH: No, your Honor.

19 Well, let me confer with Mr. Dabrowski for a
20 moment.

21 Mr. Dabrowski indicates no.

22 THE COURT: No. All right.

23 Any objection?

24 MR. KENNEDY: I have no objection to the books
25 either.

1 THE COURT: That's 4.

2 (Government Exhibit 4: Briefcase, marked
3 full exhibit.)

4 THE COURT: 5 is the brown briefcase, brown
5 leather briefcase. That's it.

6 MR. KENNEDY: That's empty?

7 THE COURT: Found in the trunk? Is that the
8 one that was found in the trunk?

9 THE WITNESS: Yes, sir.

10 THE COURT: Yes.

11 Is that it?

12 MR. SMITH: Well, this is 5, your Honor.

13 THE COURT: That's 5. It's -- I guess you
14 would call that a correspondence case.

15 MR. KENNEDY: Well, there are two cards in
16 here. I have no objection to it.

17 THE COURT: No objection with contents.
18 All right.

19 (Government's Exhibit 5: Correspondence type
20 briefcase, marked full exhibit.)

21 THE COURT: 6 is the brown leather briefcase.
22 Anything in that, Mr. Smith?

23 Don't you fellows look inside to see?

24 MR. SMITH: Yes, we do, your Honor.

25 THE COURT: Well, what's in there?

1 MR. SMITH: I want to double check, though,
2 because the Court has asked me to.

3 THE COURT: All right.

4 MR. SMITH: Nothing in it, your Honor.

5 THE COURT: Nothing in it.

6 MR. KENNEDY: No objection.

7 THE COURT: All right. That's 6.

8 (Government's Exhibit 6: Briefcase, marked
9 full exhibit.)

10 THE COURT: 7 is the green ski mask.

11 MR. KENNEDY: No objection.

12 (Government Exhibit 7: Ski mask, marked full
13 exhibit.)

14 THE COURT: 8 is the orange plastic bag with
15 Tuesday's written on it.

16 Empty?

17 MR. SMITH: That's correct.

18 MR. KENNEDY: No objection.

19 (Government's Exhibit 8: Orange plastic bag,
20 marked full exhibit.)

21 THE COURT: 9 is the white plastic bag -
22 shopping bag, I guess you'd call it.

23 MR. KENNEDY: No objection.

24 THE COURT: All right. We're through 9

25 (Government's Exhibit 9: White plastic bag,

1 marked full exhibit.)

2 THE COURT: 10 is the manilla envelope with
3 some contents in it taken from the glove compart-
4 ment, and one item was a pocket calculator, I
5 think. I didn't see the rest of it.

6 MR. KENNEDY: Well, I'm going to --

7 MR. SMITH: Your Honor, the Government has
8 only moved for the admission as a full exhibit of
9 10(a).

10 THE COURT: You don't move for 10.

11 MR. SMITH: Which is the bank book.

12 THE COURT: All right.

13 10(a), the bank book.

14 MR. KENNEDY: I have an objection.

15 My objection is we stipulated that the car is
16 registered to one Wayne Brown.

17 THE COURT: Right.

18 MR. KENNEDY: We further stipulated that he
19 purchased it on June 15th.

20 THE COURT: Yes.

21 MR. KENNEDY: This bank book is not a bank
22 book belonging to someone else; it's his own
23 personal bank book.

24 THE COURT: It's what?

25 MR. KENNEDY: It's his own personal savings

1 account bank book, the State Bank For Savings.

2 THE COURT: Yes.

3 MR. KENNEDY: I see no materiality to it
4 coming in.

5 THE COURT: Well, it helps identify the fact
6 that he left the car there if he left the bank
7 book in it.

8 MR. KENNEDY: Well, it's a cancelled bank
9 book, your Honor, and the last entry in the bank
10 book is sometime in the spring. It's in March,
11 1976. It has no balance and it's been cancelled.

12 So I hardly think that it's a valuable item.
13 I just object. I don't think it is material.

14 I would ask for an offer of proof on it.

15 THE COURT: Overruled.

16 (Government's Exhibit 10(a): Bank book,
17 marked full exhibit.)

18 BY MR. SMITH:

19 Q Just a couple of final questions, Detective
20 Gasparino.

21 Have you had occasion to measure the distance
22 between that point where the Windsor Branch of the United
23 Bank & Trust is located and that point at Stanadyne, where
24 you found this green Camaro?

25 A Yes.

1 Q And can you tell us what that distance is?

2 A Measuring in the cruiser, it was four-tenths of
3 a mile, approximately.

4 Q Now, if one were to stand at the bank, could one
5 see that car in Stanadyne?

6 A No way, sir; no.

7 MR. SMITH: Just a moment, please, your Honor.

8 THE COURT: It wasn't visible from the front
9 of the bank?

10 THE WITNESS: No, sir. The bank is set way
11 low from the shopping center.

12 THE COURT: Standing around the bank, you
13 couldn't see it?

14 THE WITNESS: No way. It's impossible, sir.

15 BY MR. SMITH:

16 Q Just one other thing that Mr. Dabrowski has
17 brought to my attention.

18 I am showing you now Government Exhibit No. 3,
19 which is a brown tie that you previously identified as
20 having found in that Camero. Can you tell us whereabouts
21 in the Camero you found that?

22 A I believe -- it was inside the vehicle.

23 Q Do you know whereabouts inside the vehicle, though?

24 A I believe it was under the seat, or between the
25 seat area. I can't --

1 Q Driver's seat? Passenger's?

2 A I'd have to refer to the evidence tag.

3 MR. DABROWSKI: Your Honor, the evidence tags
4 were removed by agreement of counsel, so that they
5 wouldn't be shown to the witnesses when I showed
6 them that tie.

7 That evidence tag that Mr. Smith has in his
8 hand is the one that refers to that tie and can
9 refresh this officer's mind.

10 THE COURT: Well, I don't know. I mean who
11 is conducting the examination of the witness, you
12 or Mr. Smith?

13 MR. DABROWSKI: Mr. Smith is, your Honor.

14 THE COURT: Well, let him do it, then.

15 MR. DABROWSKI: I'm sorry.

16 MR. KENNEDY: I have no -- if he does not
17 remember it, it may be shown to him to refresh his
18 recollection.

19 THE COURT: All right.

20 BY MR. SMITH:

21 Q Showing you this evidence tag, I ask you to look
22 at it and read it to yourself.

23 Does that refresh your recollection as to where,
24 precisely, you discovered this tie?

25 A Yes, sir.

1 Q Now, where did you discover Government Exhibit
2 No. 3?

3 A Passenger seat, inside the Camaro.

4 THE COURT: Where?

5 THE WITNESS: In the passenger's seat, your
6 Honor.

7 THE COURT: On the passenger's seat?

8 THE WITNESS: Yes.

9 Q (By Mr. Smith) Right out, plainly visible?

10 A Yes, sir.

11 MR. SMITH: I have nothing further, your
12 Honor.

13 THE COURT: All right.

14 Any cross-examination?

15 MR. KENNEDY: Yes.

16 THE COURT: All right.

17 CROSS-EXAMINATION

18 BY MR. KENNEDY:

19 Q Mr. Gasparino, when did you first get a call from
20 someone at Stanadyne, or when did your department get a call
21 concerning the car?

22 A Approximately 9:45 Monday morning on the 12th.

23 Q Okay. Was this car reported to your department
24 previous to that?

25 A No sir, not that I know of.

1 Q Did you talk to a Peter Campbell, a security guard
2 at Stanadyne? Was that your testimony?

3 A Yes, I did. Yes, sir.

4 Q And Peter Campbell didn't report this car to your
5 department on July 10th?

6 A No, sir.

7 Q The day of the robbery?

8 A Not that I --.

9 Q Are you saying he didn't, or you don't know if he
10 did?

11 A I found no reports of it. To the best of my knowl-
12 edge, that he called on Monday morning.

13 Q Were you there when the car was searched?

14 A Yes, sir.

15 Q What time was it searched? Approximately what time?

16 A Three o'clock.

17 THE COURT: Where was it when it was searched?

18 THE WITNESS: At the scene, sir, behind the
19 building.

20 THE COURT: Same place?

21 THE WITNESS: Same place, yes, sir.

22 Q (By Mr. Kennedy) Were you one of the officers
23 that got to the car before it was searched previously, before
24 securing the warrant?

25 A Yes, sir.

1 Q Tell us what happened at that point, when you
2 first came to the car.

3 A I observed the vehicle parked at the location
4 described. Walked up. I looked at the vehicle, looked
5 inside the vehicle, and observed briefcase, the denim hat,
6 sunglasses.

7 This was the description that I had from items
8 worn by the bank robbery on Saturday. And while I was look-
9 ing at it the other employees came over and told me about
10 the car; that they had seen it late Saturday night there
11 and that it didn't belong -- it didn't belong to any of the
12 employees and it was blocking the area where the dumpster
13 was.

14 Q Did you open the car, did you go into the car?

15 A The employees had opened the car. They had closed
16 the windows because the windows were left open on Saturday
17 and they figured it was going to rain that night or something;
18 they wanted to protect the car.

19 Q So did you look through the car at that point?

20 A I didn't look through it, no sir.

21 Q Well, did anyone from your department, you know,
22 look under the seat, in the glove compartment?

23 A I looked at it --

24 THE COURT: At what time? You mean that
25 Saturday night?

1 MR. KENNEDY: No.

2 Q On the 12th, the first time you were at the car.

3 A I looked at the car, yes, sir.

4 Q You did. Well, did you look in the glove compart-
5 ment?

6 A Right. To see if we could ascertain who owned
7 the vehicle.

8 Q How about under the seats?

9 A No. I had no --

10 Q And you didn't look in the trunk, I take it?

11 A Pardon?

12 Q Did you look in the trunk?

13 A No way, sir. There was no keys to look into the
14 car.

15 Q There were no keys in the car?

16 A No keys in the vehicle. It was an abandoned
17 vehicle and I figured I had to find out who the owner was
18 and find out what it was doing there.

19 Q You're certain there were no keys in the car?

20 A Yes, sir.

21 Q Now, the glasses that were shown to you, Exhibit 1,
22 were those brown frame sunglasses or black frame sunglasses?

23 A Dark brown. Blackish brown.

24 Q Well, I'm going to show them to you.

25 A Okay.

1 Q Would you say that's brown or black?

2 A Brownish black, depending how you look at the
3 light.

4 Q Brownish black?

5 A Yes.

6 Q Now, did there subsequently come a time where you
7 obtained a search warrant to search the defendant Brown's
8 apartment?

9 A Yes, sir.

10 MR. SMITH: I object. It's outside the scope
11 of the Direct Examination.

12 MR. KENNEDY: Well, we can call the officer
13 back for our case, if Mr. Smith wants to. I just
14 thought this would be a little easier.

15 It certainly is, but I'm not attacking his
16 credibility. I just want to get some facts out
17 of him about the search of the apartment. But we
18 can call him back during our case, if the Court
19 desires.

20 I just thought it would be easier.

21 MR. SMITH: Besides being outside the scope,
22 I don't think it is relevant. It certainly doesn't
23 pertain to anything that I questioned the detective
24 about.

25 THE COURT: Sustained.

1 MR. KENNEDY: I would ask you to appear
2 tomorrow, sir, in this courtroom.

3 THE COURT: Are you here under subpoena?

4 THE WITNESS: Yes, I am.

5 THE COURT: All right. The subpoena, then,
6 is still in force until you are discharged by the
7 Court.

8 MR. KENNEDY: I have nothing further, your
9 Honor.

10 THE COURT: All right.

11 REDIRECT EXAMINATION

12 BY MR. SMITH:

13 Q Detective, when you ultimately did search this
14 car did you have an opportunity to look at the ignition?

15 A Yes, sir.

16 Q Was it intact?

17 A Yes, sir.

18 Q It hadn't been torn out?

19 A No, sir.

20 Q Did it look as though it had been jimmied?

21 A No, sir.

22 Q No marks on it to indicate that?

23 A No, there was not.

24 MR. SMITH: I have nothing further, your Honor.
25

1 BY THE COURT:

2 Q Well, did you remove the car from that location?

3 A Yes, sir.

4 Q Did you tow it, or how?

5 A Yes, sir.

6 Q Towed it. All right.

7 Didn't have any keys to start it with?

8 A No, sir.

9 Q Did you get some?

10 A I didn't. I don't know if --

11 Q You don't know?

12 A No, sir.

13 THE COURT: All right.

14 You may step down, and I guess you are
15 excused for the balance of the day.

16 Is that satisfactory, Mr. Kennedy?

17 MR. KENNEDY: Yes, that's satisfactory, your
18 Honor.

19 THE COURT: All right. But be back tomorrow.

20 THE WITNESS: Yes, sir.

21 (Witness excused.)

22 MR. SMITH: The Government calls Lawrence
23 Overstrom.
24
25

1 E V E R E T T L A W R E N C E O V E R S T R O M , J R . ,
2 called as a witness, being first duly sworn, was
3 examined, and testified as follows:

4 THE CLERK: What is your name, sir?

5 THE WITNESS: Everett Lawrence Overstrom,
6 O-v-e-r-s-t-r-o-m, Jr.

7 THE CLERK: And your address, Mr. Overstrom?

8 THE COURT: O-v-e-r-s-t-r-o-m?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: Junior.

11 THE CLERK: Your address, Mr. Overstrom?

12 THE WITNESS: 340 Bloomfield Avenue, Windsor,
13 Connecticut.

14 MR. SMITH: Your Honor, before I actually
15 commence the questioning of Mr. Overstrom, I would
16 like to call the Court's attention to the fact
17 that Mr. Kennedy and the Government have entered
18 into a stipulation, which I think is really a
19 proper foundation before commencing the examination
20 of Detective Overstrom. So may the stipulation be
21 filed?

22 MR. KENNEDY: That is correct, your Honor.

23 THE COURT: All right. Stipulation filed.

24 MR. SMITH: With the Court's permission, may
25 I read this to the jury?

1 THE COURT: Does it have anything to do with
2 this witness?

3 MR. SMITH: It's foundation leading up to his
4 testimony.

5 THE COURT: All right. Go ahead, read it.

6 MR. SMITH: Ladies and gentlemen, this stipu-
7 lation reads:

8 "It is hereby stipulated between the parties
9 to this case, through their counsel, that on the
10 afternoon of July 14th, 1976, Mrs. J.A. Dallaire,
11 98 Midian Avenue, Windsor, Connecticut, telephoned
12 the Windsor Police Department and advised Detective
13 Lawrence Overstrom that her thirteen year old son,
14 Steven Dallaire and his thirteen year old playmate,
15 Michael Lavender of 292 Deerfield Avenue in Windsor
16 were playing in a wooded area behind the Dallaire
17 residence where they had found certain items which
18 Mrs. Dallaire desired to call to the attention of
19 the Windsor Police Department.

20 "Detectives John Gasparino and Lawrence Over-
21 strom went to the Dallaire residence and obtained
22 these items from Mrs. Dallaire. Steven Dallaire
23 and Michael Lavender then directed Detectives
24 Gasparino and Overstrom to the location in the
25 woods where these items had been found by them."

1 DIRECT EXAMINATION

2 BY MR. SMITH:

3 Q How are you employed, Mr. Overstrom?

4 A Police officer in the Town of Windsor.

5 Q And how long have you been a police officer?

6 A Approximately eleven years.

7 Q Directing your attention to the afternoon of July
8 14th, 1976, did you have occasion to go to the home of Mrs.
9 J.A. Dallaire?

10 A Yes, I did.

11 Q And what street does Mrs. Dallaire live on?

12 A She lives at 98 Midian Avenue, Windsor, Connecticut.

13 Q Can you describe for the members of the jury the
14 relationship, the proximity between where Mrs. Dallaire
15 resides on Midian Avenue and the Stanadyne Company?

16 A Mrs. Dallaire's property at 98 Midian Avenue, the
17 back door to her property goes onto the property of the
18 Stanadyne property; Stanadyne, Incorporated.

19 Her house is at 98 and there's a small wooded
20 section in the rear of her home, and a field, there's
21 approximately 200 yards long in width, and at the end of this
22 field is the Stanadyne buildings and property.

23 THE COURT: Wait a minute now.

24 BY THE COURT:

25 Q Stanadyne lies east of her place, or what?

1 A Looking out the back door of Mrs. Dallaire's home,
2 Stanadyne would be directly south.

3 Q South. All right.

4 A Straight out from the back door of her home.

5 Q And you say it's about 200 yards away from her
6 back door to Stanadyne's lot?

7 A Approximately 250 yards.

8 Q 200-250 yards. And that's a wooded area?

9 A There's a small wooded area at the rear of her
10 home which leads into a large open field.

11 Q Next to Stanadyne?

12 A Which leads to the Stanadyne building.

13 Q Okay. That's about 250 feet away --

14 A Yards away.

15 Q Yards away.

16 And how wide is this area behind her house?

17 A It would be approximately 800 yards in width. It's
18 a large, large area.

19 Q I sec. 800 yards.

20 And that's a single family house?

21 A Yes, it is, your Honor.

22 BY MR. SMITH:

23 Q Did you receive anything from Mrs. Dallaire?

24 A Yes, we did.

25 Q Do you have a recollection of what you received?

1 A Yes, I do.

2 Q Showing you a briefcase, which is a black brief-
3 case marked as Government Exhibit 12 for identification, I
4 ask you do you recognize that briefcase?

5 A Yes, I do. This is one of the briefcases that
6 were given to me by Mrs. Dallaire.

7 THE COURT: That's 12?

8 MR. SMITH: That's correct, your Honor.

9 Q And showing you Grand Jury -- Government Exhibit
10 11 for identification, do you recognize that?

11 A Yes, I do.

12 Q And what is it?

13 A This is also a briefcase, Samsonite brand name,
14 that was given to me by Mrs. Dallaire.

15 THE COURT: Does it have a number for identi-
16 fication on it?

17 THE WITNESS: No. 11, your Honor.

18 THE COURT: 11 for identification?

19 THE WITNESS: Yes, your Honor.

20 THE COURT: All right.

21 BY MR. SMITH:

22 Q Showing you a tie, which is marked Government
23 Exhibit No. 13 for identification, do you recognize that?

24 A Yes, I do.

25 Q How is it you recognize that?

1 A This was also given to me by Mrs. Dallaire.

2 Q And showing you a shirt marked as Government
3 Exhibit 14 for identification, a purplish flowered shirt,
4 do you recognize that?

5 A Yes, I do. This was also given to me by Mrs.
6 Dallaire.

7 Q Now, showing you Government Exhibit 15 for iden-
8 tification, which is a pair of pants, do you recognize these?

9 A Yes, I do. These were also given to me by Mrs.
10 Dallaire.

11 Q And showing you Government Exhibit No. 16 for
12 identification, which is a pair of bluish-grey pants, do
13 you recognize No. 16 for identification?

14 A Yes. These pants were also given to me by Mrs.
15 Dallaire at the same time.

16 Q Showing you a bank book which is marked Government
17 Exhibit No. 17 for identification, do you recognize that, as
18 well?

19 A Yes, I do. This was also in the property given to
20 me by Mrs. Dallaire.

21 Q How about Government Exhibit 18 for identification,
22 which is a plastic bag containing some items - do you recog-
23 nize the contents of that plastic bag?

24 A Yes, I do. This is a money wrapper of the United
25 Bank & Trust Company marked \$500. This was also given to me

1 by Mrs. Dallaire.

2 Q Now what, if anything, did you then do?

3 A After receiving these items, I asked Steven
4 Dallaire and Michael Lavender to show me the exact spot where
5 they found these items in this wooded area.

6 Q And did they, in fact, do that?

7 A Yes, they did. They took me to the location.

8 Q That's the location in the woods?

9 A Yes.

10 Q How dense are the woods?

11 A It's a fairly dense wooded section. There's a
12 small path that led from the rear of the Dallaire home into
13 this wooded area. It wasn't an area full of brush, but it
14 was an area with trees and woods in it. You could walk
15 through these woods with little difficulty.

16 THE COURT: Well, the location that they
17 pointed out to you where they found these items,
18 was that anywhere near the path?

19 THE WITNESS: Yes, it was directly off the
20 path. It's a wooded area, but it is fairly clear
21 in this area.

22 Q (By Mr. Smith) What was your purpose, Detective,
23 in requesting these children to take you out to that area?

24 A To conduct a thorough search of the area for any
25 other evidence which may be in the area.

1 Q And did you, in fact, conduct a search out there?

2 A Yes, I did.

3 Q Did you find anything during the course of that
4 search?

5 A Yes, I did.

6 Q Showing you Government Exhibit No. 19 for identifi-
7 cation, which is a plastic bag containing an item, do you
8 recognize the item in that bag?

9 A Yes, I do.

10 Q And why is it that you recognize that object?

11 A Because when I asked Steven Dallaire to show me the
12 exact spot where him and his playmate had found these other
13 items, when he took me into this wooded area and pointed to
14 the area to the exact spot and said, "This is the exact spot,"
15 pointing to this area where he found these items, I observed
16 at the same spot where he was pointing a hundred dollar money
17 wrapper with the words "United Bank & Trust" on it.

18 Q Now, showing you Government Exhibit for identifica-
19 tion No. 20, which is a whitish colored shirt, I ask you do
20 you recognize that; and, if so, how do you recognize it.

21 A Yes, I do recognize this shirt. I found this shirt
22 in an area approximately 50 feet north -- 50 feet northeast
23 of the location that I found the hundred dollar money wrapper.

24 Q Also in the woods?

25 A Also in the woods, yes.

1 Q Now, with respect to Government Exhibits 11 through
2 20, which are the exhibits I've just shown you, what did you
3 do with these?

4 A I then took them into custody.

5 Q And did you maintain these in your custody?

6 A Yes, I did.

7 Q Did there come a point at which you relinquished
8 custody?

9 A Yes, I did.

10 Q When, where and to whom did you relinquish custody
11 of these items?

12 A I turned these items over to yourself at the
13 Federal Grand Jury hearing during the month of September
14 of this year.

15 MR. SMITH: Your Honor, I move for the full
16 admission of each one of these exhibits as a full
17 exhibit.

18 MR. KENNEDY: I have no objection, your Honor,
19 as long as Mr. Smith can represent that none of
20 those items has another item inside it that I've
21 not seen.

22 THE COURT: All right.

23 MR. SMITH: We permitted Mr. Kennedy to
24 inspect this and to the best of our knowledge
25 there was nothing like that.

1 THE COURT: Okay.

2 MR. KENNEDY: Well, if there is anything
3 inside it, then that wouldn't be part of the
4 exhibit.

5 THE COURT: Right.

6 You checked the pockets of the trousers, did
7 you, Mr. Smith?

8 MR. SMITH: I believe yes, we did, your Honor.

9 THE COURT: All right. Were they empty?

10 MR. SMITH: They sure were.

11 THE COURT: Perhaps I should ask the officer:

12 BY THE COURT:

13 Q Did you go into the pockets of these trousers to
14 look for anything there?

15 A Yes, I did, your Honor.

16 Q Find anything?

17 A No, sir.

18 Q Okay.

19 A The only thing I did notice when checking the items
20 at the time of getting them from Mrs. Dallaire, stapled to
21 the pair of brown pants was a laundry tag number, I believe it
22 was 0954, stapled to the inside of the pants.

23 Q Still there?

24 A Yes, it is, your Honor.

25 MR. SMITH: Your Honor, I haven't been able to

1 find anything in any of these exhibits.

2 THE COURT: All right.

3 (Whereupon, Government's Exhibits 11 through
4 20 for identification, previously referred to, were
5 marked full exhibits.)

6 THE COURT: Anything further on Direct of
7 this witness?

8 MR. SMITH: No, your Honor.

9 THE COURT: Cross examine.

10 CROSS-EXAMINATION

11 BY MR. KENNEDY:

12 Q Detective Overstrom, was the path large enough for
13 a car to have traveled upon it?

14 THE COURT: What?

15 A I'm sorry?

16 Q The path through the woods that you mentioned, was
17 that large enough for a car?

18 A From 98 Midian Avenue to the Dallaire residence?

19 Q Yes.

20 A No, no, sir.

21 Q How about the other way, back through the woods?

22 A Through the woods, in the wooded section, no, sir.

23 Q It would have been impossible to drive a car in
24 there?

25 A That's correct.

1 Q You didn't see any tire tracks in there?

2 A No, sir.

3 Q Approximately how far is that area from the bank?

4 A It would be -- from the point where the clothes
5 were found?

6 Q Yes.

7 A Approximately a half a mile or less.

8 Q Now, you said there was a laundry tag in the pants.
9 Do you know that to be a laundry tag, or was there a tag in
10 the pants?

11 A Correct that. There was a tag stapled to the pants
12 with the number 0954.

13 Q Now, did you at any time make up a photo spread and
14 show it to the Dallaire children or his boy friend? Did you
15 ever show them any photos and say --

16 MR. SMITH: Your Honor, I object.

17 There's no evidence that the Dallaire children
18 indicated to him that they had seen --

19 THE COURT: Well, we don't have.

20 The stipulation doesn't indicate that they saw
21 these items being deposited or left there by anyone,
22 or that they saw anyone there. So --

23 MR. KENNEDY: Well, I'll withdraw it and ask
24 him another question.

25 THE COURT: All right.

1 Q (By Mr. Kennedy) Were you the detective that made
2 up the photo spreads that were used throughout the case?

3 MR. SMITH: Your Honor, I object to that, too.

4 THE COURT: Sustained.

5 MR. KENNEDY: I would ask Officer Overstrom,
6 if he's under a subpoena, to be here tomorrow.

7 THE COURT: Yes.

8 THE WITNESS: No sir, I don't believe I am.

9 THE COURT: You what?

10 THE WITNESS: I have a subpoena to be here
11 today, yes.

12 THE COURT: Well, it would be valid for your
13 appearance here tomorrow, too, Mr. Overstrom.

14 THE WITNESS: Yes, sir.

15 MR. KENNEDY: I have nothing further, your
16 Honor.

17 THE COURT: But he may be excused now for today?

18 MR. KENNEDY: Yes.

19 THE COURT: Is there some Redirect, first?

20 MR. SMITH: No, your Honor.

21 THE COURT: All right.

22 Back tomorrow at ten o'clock.

23 (Witness excused.)
24
25

1 F E R N A N D A P E R E I R A,

2 called as a witness, being first duly sworn, was
3 examined, and testified as follows:

4 THE CLERK: Will you state your name?

5 THE WITNESS: Pardon me?

6 THE CLERK: Will you please state your name?

7 THE WITNESS: My name?

8 THE CLERK: Yes.

9 THE WITNESS: Fernanda Pereira. F-e-r-n-a-n-d-a.

10 THE CLERK: And how do you spell your last
11 name?

12 THE WITNESS: P-e-r-e-i-r-a.

13 THE CLERK: And your address, Miss Pereira?

14 THE WITNESS: 38 New Park Avenue, Hartford.

15 THE COURT: P-e-i --

16 THE WITNESS: P-e-r-e-i-r-a.

17 THE COURT: P-e-r-e-i-r-a?

18 THE WITNESS: Right.

19 THE COURT: All right. Mrs. Pereira?

20 THE WITNESS: Right.

21 THE COURT: All right.

22 DIRECT EXAMINATION

23 BY MR. SMITH:

24 Q Are you employed, Mrs. Pereira?

25 A Pardon me?

1 Q Do you have a job?

2 A Yes. I work for the cleaners.

3 Q What cleaners is it?

4 A New Park Cleaners.

5 THE COURT: No Park?

6 THE WITNESS: New Park Cleaners.

7 Q (By Mr. Smith) New Park Cleaners?

8 A Right.

9 THE COURT: New Park Cleaners.

10 Q And that's located on New Park Avenue in Hartford,
11 correct?

12 A Yes.

13 Q Is it located near the Royal Typewriter Company?

14 A Yes. It's a few blocks before.

15 Q Now, you clean clothes?

16 A Yes. Well, I'm not clean myself. I take the
17 clothing and send it out.

18 Q Your store does?

19 A Right.

20 Q Showing you Government Exhibit No. 15, do you
21 recognize these pants?

22 A Yes, I have the copy of the slip with the same
23 number and, well, I know this belongs to my store.

24 Q And you recognize the number --

25 A Yes.

1 Q -- of the laundry tag?

2 A Well, I recognize because I have a copy. If I not
3 have the copy I can't remember, because many customers go in,
4 you know.

5 Q Sure. And what does the number say?

6 A The number is I give the slip to the customer with
7 the same number and I keep the copy, you know.

8 Q Right.

9 A And I have three slips with the same number: one
10 I give to the customer, one I keep for income tax, one I keep
11 for recognize, you know. So I have his name, and I don't have
12 address because he's never give me the address. Just the
13 name. And if, you know, the peoples come pick up the clothing,
14 I see the number with the clothing, I see the number on the
15 slip and I give him.

16 MR. KENNEDY: Excuse me. I can't understand
17 a word she says.

18 THE COURT: It got a little confidential there.

19 Do you mind repeating the answer?

20 (Answer read back.)

21 THE COURT: All right.

22 BY MR. SMITH:

23 Q Do you see this little tag right there, the little
24 orange tag inside of Government Exhibit No. 15? Do you see
25 that inside the pants?

1 A Yes, this tag.

2 Q Yes. And the number on there is 09 --

3 A 94.

4 Q 09 --

5 A 954.

6 Q 0954; right?

7 A Right.

8 Q Okay. Showing you a document which is marked for
9 identification Government Exhibit No. 26, I ask you do you
10 recognize this document right here?

11 A Yes, this is mine.

12 Q That's your slip?

13 A This is my slip. This is I keep for me.

14 I give the pink one for the customer. And I keep
15 the yellow one for to recognize, you know.

16 This I give the FBI when he went my place, ask me,
17 you know, for the name.

18 Q Sure. And --

19 THE COURT: Where does the yellow one go?

20 THE WITNESS: The yellow I keep. I keep for,
21 you know, in the book. I keep for to recognize,
22 if I lose some other one.

23 THE COURT: Well, there's a pink one?

24 THE WITNESS: The pink one I give to the cus-
25 tomer for the customer comes.

1 THE COURT: And the yellow one you keep?

2 THE WITNESS: The yellow one I keep.

3 And the white one I put in the clothing for,
4 you know, when the customer comes with the pink one.
5 I have the white one pinned in the clothes and I
6 look for the number to find the clothing.

7 THE COURT: I see.

8 MR. SMITH: Your Honor, I move for the admis-
9 sion as a full exhibit of Government Exhibit No. 26
10 for identification.

11 MR. KENNEDY: No objection.

12 THE COURT: All right. Full exhibit.

13 (Government Exhibit 26: Laundry slip, marked
14 full exhibit.)

15 BY MR. SMITH:

16 Q Mrs. Pereira, I want you to look at this laundry
17 tag. And you see the number there, 0954. That's the exact
18 same number that's inside the pants, right?

19 A Right.

20 Q What is the name of the individual who owns those
21 pants?

22 A This name?

23 MR. KENNEDY: Well, I object to that.

24 She just said she doesn't have any idea who
25 the individuals are. She just goes by the slips.

Furthermore, the exhibit speaks for itself.

A This name --

THE COURT: Just a minute, just a minute.

BY THE COURT:

Q Do you know who brought the pants in to you?

A Well, I know the people of this name and this number belongs to the pants. I can't remember all the pants or the clothing goes to my place. But if they have the number, I know it's the clothing.

Q Right. You know they're entitled to the clothes if they come in with the slip.

A Yes. If the peoples take the tag out --

Q Do you know that customer?

A Yes, I know. It's the boy over there.

Q Who?

A The boy is over there.

Q What boy?

A Mr. Brown is over there, is the name he gave me.

Q Mr. Brown?

A I think so. Is the name he gave me, is this name, is this boy over there.

Q Well, do you recognize him?

A Yes, because he's a good customer.

Q Good customer?

A Yes.

1 Q You mean he's been into your place before?

2 A He was, a few months ago. He was in my place, you
3 know, almost -- I don't know how many times, but he's go a
4 lot of times to clean the clothing.

5 THE COURT: I see. All right.

6 MR. KENNEDY: The objection still stands.

7 THE COURT: The answer may stand.

8 MR. SMITH: Just one final observation. May
9 the record reflect that the witness pointed out
10 the defendant, Wayne --

11 THE WITNESS: But I can't tell you if the
12 clothing is belongs to the person who brings to
13 my place, you know, because many times --

14 THE COURT: Well, you don't know whether he
15 owned it or not?

16 THE WITNESS: Right. I don't know.

17 THE COURT: Right.

18 THE WITNESS: I know the people that goes,
19 gave me the clothing and pick it up. But I don't
20 know if the clothing belongs to, anyway.

21 THE COURT: Right.

22 MR. SMITH: Nothing further, your Honor.

23 THE COURT: You may cross-examine.
24
25

1 CROSS-EXAMINATION

2 BY MR. KENNEDY:

3 Q Well, Mrs. Pereira, is it fair to -- strike that.

4 I want you to take a look at this slip.

5 A Yes.

6 Q Now, do you see what it says right here? What does
7 that say?

8 A Three trousers, \$1.00 each, \$3.00.

9 Q What does it say below there?

10 A Two sweaters, \$1.20 each one is \$2.40.

11 Q Okay. Now I want you to take a look at Government
12 Exhibit 15. This is the pair with the little orange tag in
13 it.

14 A Yes. This is my tag, yes.

15 Q Now, can you tell us today that you are absolutely
16 sure that this particular pair of pants -- strike that.17 Can you tell us, from your own memory, that you
18 remember that man bringing that particular pair of pants in
19 to you, if it wasn't for this tag?20 A Well, I remember the man, but I can't tell you if --
21 you know, I know is the pants he bring to me, but I don't know
22 it belongs to him because I never saw him with the pants. I
23 don't know. I can't remember that. Because a lot of cus-
24 tomers comes every day. So I can't remember.

25 Q Okay. I understand. Let me ask you this another way.

1 If it wasn't for the fact that this tag had on it
2 this number and you were shown those pants, --

3 A Yes.

4 Q -- could you identify these pants with the man
5 sitting over there, rather than being someone else's pants?

6 A Well, he give to me and pick it up, you know.

7 Q No. But --

8 A Maybe I not understand very well.

9 Q This particular pair of pants.

10 A Yes.

11 Q Do you identify this particular pair of pants from
12 your memory as being property that Wayne Brown brought in to
13 your shop? If it wasn't for the tag, is what I'm saying.

14 A No. If it wasn't the tag, no, I couldn't tell you.

15 Q So what you're basing your testimony on today is
16 that that little orange tag inside the pants has the same
17 number that this slip does?

18 A Right.

19 Q Is that right?

20 A Right.

21 BY THE COURT:

22 Q Who put the tag on there?

23 A Myself.

24 Q You put the tag on?

25 A Yes, I did.

1 Q Well, did you put the number on the tag?

2 A Yes, I did.

3 Q Well, how did you pick that number for the tag?

4 Why did you use 0954 on the tag?

5 A Used for that clothing. I'm not using any more.

6 Q Well, is there a number on the slip, too?

7 A Is the same number.

8 Q The same number?

9 A Right.

10 Q You get the number off the slip and then put the
11 tag on, is that what happened?

12 A This is happened, and send to the cleaners and the
13 cleaners give to me. I put in the plastic bag and put the
14 white slip.

15 When the customer brings the pink slip with the
16 same number, I give the clothing to the customer. That's all.

17 Q And you keep the white slip?

18 A I keep the white slip and the yellow one.

19 Q And he can keep the pink?

20 A No. They gave to me the pink one, but I throw away.

21 THE COURT: I see.

22 BY MR. KENNEDY:

23 Q Now, other than that tag, you don't use any laundry
24 mark or anything on the clothing, do you?

25 A Nothing more. Just this one.

1 Q So in place of a laundry mark, you use a tag?

2 A Well, I keep the clothing and when the customer
3 asking for the clothing, I show, you know, the clothing,
4 and the customer says, you know, if it belongs to him.

5 Sometimes the tag come out in the cleaners. So
6 if this happen, you know, I keep the clothing. If it don't
7 have a number, I keep the slip; you know, the slip with the
8 number, and ask the customer if this belongs to them.

9 Q Now, do other laundries use this type of a setup,
10 or are you the only one you've ever heard of that uses tags?

11 You don't know?

12 A I don't know.

13 THE COURT: Where did you learn this system?

14 THE WITNESS: Pardon me?

15 THE COURT: How did you learn to put the tags
16 on and put the numbers on?

17 THE WITNESS: Well, when I bought the place,
18 the lady was before teach me that.

19 THE COURT: You own this business?

20 THE WITNESS: Yes.

21 THE COURT: I see. All right.

22 BY MR. KENNEDY:

23 Q The date on this ticket, Mrs. Pereira, is what?

24 A Pardon me?

25 Q The date?

1 A The date is 6/29/76.

2 THE COURT: Is what?

3 THE WITNESS: 6/29/76.

4 Q Do you have an independent recollection that the
5 man sitting out here came to your shop that day? Do you
6 remember he was in your shop that particular day, for any
7 reason?

8 A Well, I remember he was in my shop, but --

9 Q Many times?

10 A Many times he went, yes.

11 Q But do you remember him particularly on that day?

12 A That date? No, I not remember that date.

13 Q Do you have another customer by the name of Brown?

14 A Now, I can't remember if I have another one, no.

15 Because sometimes -- I know this customer because he is a
16 good customer. He come many times; you know, he goes many
17 times.

18 If one customer goes one time, I can't remember him.
19 It's possible some people that's here could be went my place
20 once or twice, I can't remember that people now.

21 Q Does it have any first name on that slip?

22 A No.

23 Q It just says "Brown," is that it?

24 A Just says Brown.

25 Q Now, did you testify before the Grand Jury in this

1 case?

2 A Pardon me?

3 Q Did you testify before the Grand Jury?

4 A I can't -- I can't understand that.

5 Q You can't understand?

6 THE COURT: You don't understand that?

7 THE WITNESS: Yes.

8 Q (By Mr. Kennedy) Did you ever come to this building
9 before, involving this case, to testify?

10 A Oh, yes, I came once before.

11 Q Okay. Now, on the day you testified do you remem-
12 ber saying, "That I have another customer Brown, the same
13 name"?

14 A Yes, I remember; yes. Well, sometimes the peoples
15 I have once before the name is Brown. But is very different
16 than that person because another one is very fat and, well,
17 is different. Does not come often like that.

18 Q They don't have the same --

19 A Not the same people.

20 Q But you do have another people --

21 A I have another customer. I don't have right now.

22 Q Is it a man?

23 A Is a man, too, yes. But I know that clothing is not
24 belong to him because he not come to my place a few months
25 ago, a lot of months ago. I can't tell you because I don't know.

1 But I know it's a long time ago he not went my place, the
2 other Brown I have.

3 Q Well, it was a long time ago the man that brought
4 this ticket in was in your place, wasn't it? Wasn't it in
5 June?

6 A This is in June. But when I was gave this slip to
7 the FBI, the other Brown my customer has not went my place
8 is a long time ago. So this is I'm sure is not the same
9 person.

10 Q You're saying that when you gave this slip to the
11 FBI you hadn't seen the other customer in a while, is that
12 what you are saying?

13 A Yes. I never see him a long time ago.

14 Q You haven't seen him for a while in the last few
15 months?

16 A Few months, yes.

17 This one or the other one?

18 Q The other one.

19 A The other one, I didn't see him a long time ago, yes.
20 This I told.

21 Q You haven't seen him for a while. Do you have any
22 other customers named Brown?

23 A It's possible. I can't tell. But a lot of cus-
24 tomers I not give the name. Sometimes I not put the names.

25 Q You don't have the address for any of these customers?

1 A No, never -- sometimes if the people give me the
2 address. Sometimes it's not give me the address, so I put
3 just the name, in case they lose the slip.

4 But sometimes they not give me the name, I not put
5 the names either.

6 MR. KENNEDY: Okay.

7 Nothing further, your Honor.

8 MR. SMITH: Nothing further, your Honor.

9 THE COURT: All right, Mrs. Pereira.

10 THE WITNESS: Okay?

11 THE COURT: Yes, you may be excused. Thank
12 you.

13 THE WITNESS: Excuse me. Thank you.

14 (Witness excused.)

15 MR. SMITH: The Government calls Cecil Hawkes.
16
17
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25

1 C E C I L H A W K E S, called as a
2 witness, being first duly sworn, was examined, and
3 testified as follows:

4 THE CLERK: Will you state your name?

5 THE WITNESS: Cecil Hawkes.

6 THE CLERK: H-a-w-k-s?

7 THE WITNESS: k-e-s.

8 THE CLERK: k-e-s.

9 And your address, Mr. Hawkes?

10 THE WITNESS: 9 Clinton Street.

11 THE COURT: H-a-k-u-s?

12 THE WITNESS: H-a-w-k-e-s.

13 THE CLERK: Is that in Hartford, sir?

14 THE WITNESS: Yes.

15 DIRECT EXAMINATION

16 BY MR. SMITH:

17 Q Are you employed, Mr. Hawkes?

18 A Yes, I am.

19 Q Can you tell us how you're employed?

20 A I'm a building superintendent at Bushnell Memorial
21 and at 9 Clinton Street address.

22 Q 9 Clinton Street is in Hartford?

23 A Yes.

24 Q And that is the address of an apartment house,
25 correct?

1 A Yes.

2 Q Now, do you know a gentleman by the name of Wayne
3 Brown?

4 A Yes, I do.

5 Q Do you see Mr. Brown here today?

6 A Yes.

7 Q Is that he sitting over there at that table?

8 A Yes.

9 MR. SMITH: Your Honor, may the record reflect
10 that the witness has indicated the defendant, Wayne
11 Brown.

12 Q How well do you know Mr. Brown?

13 A Well, I knew him as a tenant and he was working
14 part time for me at the Bushnell.

15 Q How frequently would you see him when he was a
16 tenant?

17 A Every day or every other day. You know, going in
18 or out of the building.

19 Q So you would see him fairly frequently, then?

20 A Yes.

21 Q Do you know what kind of a car Mr. Brown drove, if
22 any?

23 A It was a green Camaro.

24 Q Did you ever see Mr. Brown carry a briefcase?

25 A Yes.

1 Q One briefcase or several different types of brief-
2 cases?

3 A Well, I've seen him carry briefcases. I mean I
4 didn't really check them out to see what color they were or
5 anything. But I've always seen him carry one.

6 Q Do you know whether you've ever seen Mr. Brown
7 wearing sunglasses?

8 A Yes.

9 Q Frequently?

10 A No, I couldn't say.

11 Q Now, directing your attention to Thursday, July 8,
12 1976, did you have a conversation with Wayne Brown concerning
13 the payment of rent?

14 THE COURT: Concerning what?

15 MR. SMITH: Payment of rent.

16 A I've had several conversations with him about the
17 rent.

18 THE COURT: We are talking about July 8.

19 THE WITNESS: I can't remember.

20 Q (By Mr. Smith) Did you testify before the Grand
21 Jury in this case?

22 A Yes.

23 THE COURT: Before you get into that:

24 BY THE COURT:

25 Q You're a building superintendent of what, the

1 Bushnell Memorial?

2 A And 9 Clinton Street.

3 Q And 9 what?

4 A Clinton Street, the apartment.

5 Q 9 Clinton Street?

6 A Yes.

7 Q Where is that? Is that near the Bushnell?

8 A Yes, right next door to the Bushnell.

9 Q On this side (indicating)?

10 A Yes.

11 Q What is it, an apartment building?

12 A It's an apartment building.

13 Q On the west side of the street running between --

14 A Well, it would be the east side, what we call the
15 east side of the Bushnell.

16 Q East side of the Bushnell?

17 A Yes.

18 Q But Clinton Street runs between Capitol Avenue and --

19 A Capitol Avenue and Trinity Street.

20 Q And Trinity Street.

21 And this building is on the west side of Trinity
22 Street, then?

23 A Yes.

24 Q The apartment house there?

25 A Yes.

THE COURT: Okay.

1 BY MR. SMITH:

2 Q Mr. Hawkes, Mr. Brown was a tenant in your apart-
3 ment, correct?

4 A Yes, he was.

5 Q Did there come a time when he ceased being a tenant,
6 no longer was a tenant?

7 A Just at the time that the police came there and
8 everything.

9 Q Okay. But did there come a point last summer when
10 he was no longer a tenant?

11 A No.

12 Q All right. Well, you say you had many conversations
13 concerning the payment of rent with Mr. Brown?

14 Do you remember if any of these conversations took
15 place in the summer?

16 A Yes, they did.

17 Q Of 1976? In July, 1976?

18 A Well, it would be June and July; both, yes.

19 Q Around the Bicentennial?

20 A Yes.

21 Q What were the substance of these conversations?

22 A That I told him that the Bushnell wanted their rent
23 paid and I was relaying the message for those people.

24 Q And what, if anything, did he say to you?

25 A That he would get it as soon as possible.

1 Q Did he say anything to you about his financial
2 condition at that time?

3 A Only that he had bought a car and asked me to wait
4 a couple of weeks.

5 Q Did he indicate whether he was in debt, whether he
6 owed money to people?

7 A No, he didn't say that.

8 Q Now, you did testify before the Grand Jury in this
9 case, correct?

10 A Yes.

11 Q Would it be fair to say that your recollection of
12 the facts were better back then than they are today? Better
13 at the time you testified before the Grand Jury than they are
14 today?

15 A Maybe a little bit better.

16 Q Okay. Showing you your Grand Jury testimony, I
17 would ask you to read Page 6, from Lines 11 to 16. But read
18 them to yourself; don't read them out loud.

19 Now, do you recall, after having looked at this to
20 refresh -- well, does this refresh your recollection?

21 A Yes. But I'm still saying the same thing to you
22 that the paper is saying.

23 Q Okay. Let me just rephrase the question.

24 Did he ever indicate to you, during that period of
25 time, that he was hard up for money, that he was in debt?

1 A Just that he asked me to wait on the rent, wait a
2 couple of weeks, he didn't have the money, and that he had
3 purchased a car.

4 Q And you had several conversations with him of that
5 nature?

6 A Yes.

7 Q All about the same period of time?

8 A About the same period.

9 Q Showing you a pair of pants, which is Exhibit No.
10 15, do you recall whether you've ever seen these pants before?

11 A No, I can't say for sure.

12 Q Do they look familiar?

13 A No.

14 Q How about Government Exhibit 13, which is a tie.
15 Have you ever seen this tie before?

16 A I can't say for sure.

17 Q Possibly, possibly not?

18 A Possibly, yes.

19 Q Showing you, finally, this briefcase which is marked
20 Government Exhibit 12, do you recall ever seeing this before?

21 A No.

22 Q Do you ever recall seeing Mr. Brown with a briefcase
23 that appeared similar to this?

24 A Not that dark.

25 Q Showing you Exhibit 4, which is a briefcase, do you

1 ever recall seeing Mr. Brown with a briefcase like this?

2 A I've seen him with one that color, that shade.

3 Q Do you recall ever seeing Mr. Brown with a briefcase
4 the color of Government Exhibit No. 6?

5 MR. KENNEDY: I'm going to object to the
6 question.

7 The question should be: Did you ever see him
8 with this briefcase.

9 Now, if the man sees him walking down the
10 street with a briefcase that doesn't look like
11 that, but happens to be the same color, what
12 materiality can it have?

13 THE COURT: Sustained.

14 BY MR. SMITH:

15 Q Have you ever seen Mr. Brown with this briefcase, --

16 A No.

17 Q -- if you know?

18 A No.

19 MR. SMITH: I have nothing further, your Honor.

20 CROSS-EXAMINATION

21 BY MR. KENNEDY:

22 Q Mr. Hawkes, I'm going to show you Government full
23 Exhibit No. 1. Were these the glasses that were shown to you
24 when you testified at the Grand Jury?

25 A I believe they were.

1 Q Okay. And do you remember -- well, can you identify
2 these glasses?

3 A No, I can't.

4 Q You never saw those glasses on Wayne Brown, did you?

5 A If I did, I don't know whether I seen them.

6 Q I'm going to ask you to read to yourself from this
7 point right here down to here.

8 MR. SMITH: Your Honor, would Mr. Kennedy
9 indicate for the record what points?

10 MR. KENNEDY: He's reading from the Grand Jury
11 transcript. I don't have the line numbers on my
12 copy, but it's Page 4, and it's the second line to
13 the fifth line.

14 Q Did you read that?

15 A Yes.

16 Q Now, does that refresh your memory a little as to
17 whether or not you identified these glasses before the Gran
18 Jury?

19 A They look familiar. They look like the same glasses
20 that were shown to me.

21 THE COURT: What does that mean, that they
22 were shown to you? By whom, when and where?

23 THE WITNESS: The first hearing that I was here.

24 THE COURT: Yes.

25 So you saw them there. So what's that got to

1 do with this case?

2 THE WITNESS: Whatever he's asking me now.

3 BY MR. KENNEDY:

4 Q Well, if I was to ask you can you say whether you
5 ever saw Wayne Brown wearing these glasses, what would be
6 your answer?

7 A I'll say no.

8 THE COURT: You can't say no?

9 MR. KENNEDY: "No," he said.

10 THE WITNESS: I did say no.

11 THE COURT: Oh, you did say no?

12 THE WITNESS: Yes.

13 THE COURT: All right.

14 Q (By Mr. Kennedy) Let me show you Government Exhibit
15 No. 2. I ask you if anyone has ever shown this hat to you
16 before?

17 A Yes.

18 Q Was that hat shown to you before the Grand Jury?

19 A Yes.

20 Q Have you seen it any other time?

21 A No.

22 Q Have you ever seen Wayne Brown wear a hat?

23 A No.

24 Q Ever see him wear that hat?

25 A No.

1 Q You talked to the detectives in this case, the FBI
2 or the local police? They came out and talked to you?

3 A Only when they came there with a warrant to search
4 the apartment.

5 Q You spoke to them that day?

6 A Yes. Just let them into the apartment. That was it.

7 Q Did they show you any photographs?

8 MR. SMITH: I object, your Honor. It's irrele-
9 vant.

10 MR. KENNEDY: I don't think it's irrelevant.

11 They've asked questions concerning identifica-
12 tion of items supposedly worn by Wayne Brown. I
13 want to ask this man whether or not he's ever made
14 an identification of Wayne Brown.

15 THE COURT: Made an identification of him?

16 All right. Ask him.

17 BY MR. KENNEDY:

18 Q Were you ever shown photographs?

19 A Yes. I was shown photographs.

20 Q Several photographs?

21 A Yes.

22 Q Were you asked to pick out -- strike that.

23 Were you shown photographs of a man in a bank?

24 A Yes.

25 Q And were you asked to say whether or not that photo-

1 graph was Wayne Brown?

2 A When they asked me, they asked me if it looked
3 like one of my tenants in the building. I said it looked
4 similar to Wayne Brown.

5 Q Did he ask you if it was Wayne Brown?

6 A Yes.

7 Q And were you able to identify the man as Wayne
8 Brown?

9 A No, not -- I just said it looked similar to him.
10 I couldn't say it was him for sure.

11 THE COURT: What kind of a photograph was that?

12 THE WITNESS: It was a photograph in a bank.

13 THE COURT: Of somebody in the bank.

14 Surveillance type photograph, right?

15 THE WITNESS: Yes.

16 THE COURT: And you couldn't say?

17 THE WITNESS: Couldn't say for sure.

18 THE COURT: Why? The photograph was what?

19 THE WITNESS: Blurry.

20 THE COURT: Blurry?

21 THE WITNESS: Yes.

22 THE COURT: All right.

23 BY MR. KENNEDY:

24 Q You can't say for sure whether it's Wayne Brown or
25 not?

1 A No, I can't.

2 THE COURT: In that photograph.

3 THE WITNESS: Right.

4 THE COURT: Yes.

5 MR. KENNEDY: Yes, in that photograph.

6 Q Now, the tie that was shown to you, Mr. Hawkes,
7 Exhibit 13 -- it's under here somewhere. Now, was this tie,
8 if you can remember, shown to you when you were before the
9 Grand Jury?

10 A I'm not positive. I was shown several things.
11 I can't remember.

12 Q Let me ask you to read this.

13 I'm asking the witness to read from the Grand Jury
14 minutes on Page 4. See if this refreshes you as to Exhibit
15 13.

16 Now, are you able to say whether or not that tie
17 was shown to you before the Grand Jury?

18 A Yes.

19 Q And what was your answer to the fact have you ever
20 seen that tie before?

21 A No.

22 Q Have you ever seen Wayne Brown wearing that tie?

23 A No.

24 MR. KENNEDY: Nothing further, your Honor.
25

1 REDIRECT EXAMINATION

2 BY MR. SMITH:

3 Q Mr. Hawkes, you testified in response to Mr.
4 Kennedy's question that you were shown a photograph of a
5 man in the bank, correct?

6 A Right, right.

7 Q And I believe you testified that you told the FBI
8 that you could not be sure that that individual was Wayne
9 Brown?

10 A Right.

11 Q But you did tell the FBI that the individual in
12 that photograph strongly resembled Wayne Brown, correct?

13 A Yes.

14 MR. KENNEDY: Well, that wasn't his testimony,
15 your Honor.

16 THE COURT: What's that?

17 MR. KENNEDY: His testimony was that it was
18 similar, he looked similar; not "strongly resembled."

19 THE COURT: All right. Let's find out just
20 what he did say.

21 Go ahead. You may examine.

22 Q (By Mr. Smith) Do you recall whether you ever told
23 the FBI --

24 THE COURT: Do you recall what you did tell
25 them?

1 Q (By Mr. Smith) Do you recall what you did tell the
2 FBI?

3 A They came there and they were asking me about some-
4 body living in the building. They showed me the photographs,
5 and I said it looked similar to Wayne Brown - the photograph.
6 BY THE COURT:

7 Q Well, now when they showed you this, they just came
8 up to you? They didn't have a warrant to search his place
9 or anything?

10 A They didn't go to his place; they came to my apart-
11 ment.

12 Q They came to you?

13 A Yes. And they were asking me about tenants in the
14 building, not specifically Wayne Brown, at that time.

15 Q They didn't ask about him?

16 A No, not at that time.

17 Q And just on the basis of that photograph you
18 thought it resembled Wayne Brown?

19 A Yes.

20 Q And that's what you told them?

21 A Yes.

22 Q All right. Now, about the ties, is this the only
23 tie you were shown before the Grand Jury?

24 A I believe it was. I believe it was.

25 Q They didn't show you another tie?

1 A I don't remember.

2 MR. SMITH: May this be marked for identifica-
3 tion.

4 BY MR. SMITH:

5 Q Showing you a photograph which is marked as
6 Government Exhibit No. 27 for identification, can you look
7 at that photograph and tell me whether you recall whether
8 that was the photograph that the FBI showed to you?

9 A Yes, it is.

10 Q It was your testimony that you told the FBI that
11 the individual looked like Wayne Brown?

12 A Looks similar to Wayne Brown.

13 MR. SMITH: Your Honor, I move for the admis-
14 sion of this as a full exhibit.

15 THE COURT: It isn't in yet?

16 MR. SMITH: No.

17 THE COURT: May be admitted.

18 Exhibit what, 27?

19 MR. SMITH: 27.

20 THE COURT: Yes.

21 MR. KENNEDY: Well, your Honor, I object to
22 that coming in through this witness.

23 THE COURT: What's that?

24 MR. KENNEDY: I object to it coming in through
25 this witness.

1 That picture should come in through one that
2 can identify that it is a reasonable photograph of
3 whatever occurred in the bank. Merely by this man
4 saying --

5 THE COURT: Well, it has been identified as
6 one taken at the time of the robbery, has it not?

7 MR. KENNEDY: No, it hasn't.

8 THE COURT: Well, I thought someone said that
9 these were --

10 MR. KENNEDY: The only thing I believe we have
11 in evidence is this man saying that the fellow in
12 that picture looks similar.

13 THE COURT: That's right.

14 MR. KENNEDY: But no one has testified that
15 that picture was taken at the time of the robbery.
16 So I think it has to stand for identification.

17 THE COURT: Well, I don't know whether it's
18 on the record or not.

19 Was it Mr. Dabrowski who said this was just
20 one frame of the surveillance photo that was en-
21 larged and blown up? But I'm not sure. All right.

22 We will inquire into it further.

23 While we are looking into it, you may as well
24 have a recess.

25 We will excuse the jury for a short recess now.

1 It's our regular time, anyway.

2 (In the absence of the jury:)

3 THE COURT: All right. We will all take a
4 recess.

5 Don't go away, Mr. Hawkes. We are not through
6 with you yet.

7 THE WITNESS: How long is the recess?

8 THE COURT: Where do you want to go? You
9 don't want to go back to your place?

10 THE WITNESS: Yes. Well, whatever you tell me.

11 THE COURT: Fifteen-twenty minutes. All right?

12 THE WITNESS: Okay, fine.

13 THE COURT: Yes, till twelve o'clock.

14 In the meantime, check the record somewhere
15 as to how that got in here, how it was identified
16 when it was marked.

17 THE CLERK: It was just marked just now.

18 THE COURT: Just now marked?

19 MR. DABROWSKI: That's correct.

20 THE COURT: For identification?

21 MR. DABROWSKI: That's correct.

22 THE CLERK: Yes.

23 MR. DABROWSKI: There is no testimony. This,
24 in fact, is a blow-up of one of the frames of the
25 films. But there has been no testimony to that

1 effect at the present time.

2 THE COURT: I thought you made some statement -
3 I'm not sure.

4 MR. DABROWSKI: No.

5 THE COURT: Then I guess the objection is
6 sustained.

7 There is no authentication of the fact that
8 that is a photo taken at the time of the robbery.

9 MR. KENNEDY: My memory is that that photo
10 never came in before for anything.

11 THE COURT: All right.

12 MR. DABROWSKI: It did not, your Honor.

13 THE COURT: Recess.

14 (Short recess.)
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1 C E C I L H A W K E S, RESUMED.

2 THE CLERK: Previously sworn, your honor.

3 THE COURT: Yes.

4 You are still under oath.

5 RECROSS-EXAMINATION

6 BY MR. KENNEDY:

7 Q Now, Mr. Hawkes, on the day you were shown photo-
8 graphs, a photograph, when the agents came to your apartment
9 house, did they show you more than one photograph?

10 A Yes.

11 Q Or did they show you just one photograph?

12 A More than one.

13 Q How many, if you can remember?

14 A I believe there was three or four of them.

15 Q Now, did they ask you to identify the person in the
16 photograph, or did they say, "Can you identify Wayne Brown
17 in that photograph"?

18 A They asked me to identify -- if I knew anybody in
19 the photographs, anybody that lived in my building.

20 Q So they made that qualification; it had to be a
21 person that lived in your building?

22 A If I knew anybody.

23 Q In your building that looked like that in the photo-
24 graph?

25 A Yes, yes.

1 Q Now, in the photographs you looked at was the
2 fellow wearing anything, any type of a hat, sunglasses, any-
3 thing like this?

4 A Yes.

5 Q Was that true of all the photos?

6 A No, I don't believe it was true of all of them.

7 Q Well, I'm going to show you, Mr. Hawkes, Government
8 Exhibit 27 and Government Exhibit 30 and ask you to look
9 through these photos.

10 When was this, Mr. Hawkes, when the agents came to
11 your house and discussed this with you? A few days after the
12 robbery?

13 A Yes.

14 Q Now, do those photos look like the photos that you
15 were shown on that day when the agents came to your home?

16 A Yes.

17 Q Does the man in all these photographs have on a
18 hat and glasses?

19 A Yes.

20 Q Is that the man that you identified as being similar
21 to Wayne Brown?

22 A Yes, it is.

23 Q Now, were you asked when you were before the Grand
24 Jury, Mr. Hawkes, whether or not you could say for sure if
25 that was Wayne Brown?

1 A I was asked, yes.

2 Q And what was your answer to that question?

3 A I couldn't say for sure that it was Wayne Brown.

4 Q Did you ever tell any of the FBI agents in this
5 case that the pictures were blurry and it was hard to tell
6 who it was?

7 A Yes, I believe I did.

8 MR. KENNEDY: I have nothing further, your
9 Honor.

10 MR. SMITH: Nothing further, your Honor.

11 MR. KENNEDY: Except that I have no objection
12 to the jury seeing these photos at this time.

13 THE COURT: It may be passed among the jury.

14 MR. KENNEDY: I'm showing the jury Government
15 Exhibit 27, which is marked separately. The other
16 photos are part of Government Exhibit 30.

17 Any Redirect here?

18 MR. DABROWSKI: May we also show the jury
19 Government Exhibit 29, your Honor?

20 THE COURT: 29. That can be passed among the
21 jury, yes. Those can be.

22 Any further examination of this witness, Mr.
23 Smith?

24 MR. SMITH: Nothing further, your Honor.

25 THE COURT: All right. You may be excused

1 Mr. Hawkes. Thank you.

2 (Witness excused.)

3 MR. SMITH: The Government calls Willie
4 Wright.

5 THE COURT: Willie Wright?

6 MR. SMITH: Yes, your Honor.

7 THE COURT: All right.

8 MR. KENNEDY: Your Honor, if I may, my
9 examination of Mr. Wright is going to take some
10 time. I don't know how long Mr. Smith is going
11 to be. As that it's almost the lunch hour, I
12 don't know if you'd entertain a motion to adjourn
13 now until after lunch. It is completely up to the
14 Court.

15 THE COURT: Do you catch on, Mr. Wright?

16 MR. WRIGHT: Beg your pardon?

17 THE COURT: Do you get the little byplay here?
18 That means you're to be back here at two o'clock.

19 MR. WRIGHT: Okay. Thank you.

20 THE COURT: All right.

21 Well, I can't let you take those photographs
22 to lunch with you, but I'll give you a chance to
23 look at them after lunch.

24 We will take a recess now till two o'clock.
25 Will some one of counsel gather them in from the

1 jury so that they won't have them while they are
2 out to lunch.

3 Recess.

4 (Luncheon recess.)
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AFTERNOON SESSION

(In the presence of the jury:)

THE COURT: All right.

W I L L I E W R I G H T, called
as a witness, being first duly sworn, was examined,
and testified as follows:

THE CLERK: Will you please state your name
for the Court?

THE WITNESS: My name is Willie James Wright.

THE CLERK: What was that?

THE WITNESS: Willie James Wright.

THE CLERK: W-r-i-g-h-t?

THE WITNESS: Right.

THE CLERK: And your address, Mr. Wright?

THE WITNESS: 165 Sigourney Street, Apartment
B-3.

THE CLERK: Is that in Hartford?

THE WITNESS: Yes.

THE CLERK: Hartford, Connecticut?

THE WITNESS: Right.

DIRECT EXAMINATION

BY MR. SMITH:

Q Mr. Wright, I'm going to ask you to keep your voice
up to the best of your ability.

Are you employed?

1 A Yes.
2 Q And where do you work?
3 A Royal Typewriter.
4 Q And that's on New Park Avenue?
5 A Right.
6 Q How long have you worked there?
7 A About a year.
8 Q What do you do there?
9 A I work in the stock room.
10 Q Do you know Wayne Brown?
11 A Yes, I do.
12 Q Do you work with him at Royal?
13 A Yes.
14 Q And what was Mr. Brown's job there?
15 A Well, he was in control of CTS, you know.

16 THE COURT: He what?

17 THE WITNESS: He was in control of the CTS;
18 something like -- well, it's something similar
19 to the job that I have. You know, the same thing;
20 you know, distributing parts.

21 THE COURT: Distributing parts?

22 THE WITNESS: Yes.

23 THE COURT: And when was this he worked with
24 you?

25 THE WITNESS: Well, to be specific about the

1 matter, I don't know the exact date. But it was
2 this year.

3 BY MR. SMITH:

4 Q Did you work with him this past summer; early in
5 the summer, early July?

6 A Yes.

7 Q Now, did you ever see Mr. Brown carrying a briefcase?

8 A Yes.

9 Q Did he frequently carry briefcases?

10 A Yes.

11 Q The same briefcase all the time, or different brief-
12 cases?

13 A Well, I can't really say whether it was the same
14 or different, because I never paid that much attention.

15 Q But you do recall he frequently carried briefcases?

16 A Yes.

17 Q Now, showing you Government Exhibit No. 12, which
18 is a briefcase, do you recall if you ever saw Mr. Brown
19 carrying this briefcase?

20 A No.

21 Q You don't recall?

22 A No.

23 THE COURT: You mean you don't identify that
24 case as one --

25 THE WITNESS: That particular case, no.

1 Q (By Mr. Smith) Have you seen him carry similar
2 briefcases?

3 A Something similar, yes.

4 Q Showing you -- let me ask you, first, how frequently
5 each day would you see Mr. Brown?

6 A Being that I worked with him, I saw him every day.

7 Q Did you have an opportunity to see how he dressed?

8 A Yes.

9 Q Showing you Grand Jury Exhibit No. 13, which is a
10 tie, do you recall seeing Mr. Brown wearing this tie?

11 A Not -- I can't answer that question exactly to say
12 that I seen him with this tie, you know, because I mean he
13 wore ties every day.

14 Q Do you recall seeing him with a tie that's very
15 similar to that?

16 A Similar, yes.

17 Q Would you say that your memory as to clothes which
18 Mr. Brown wore was better a few months ago than it is today?

19 A Was better a few months ago than it was today? No.

20 Q Do you understand my question?

21 A Yes, I understand.

22 Q Did you testify before the Grand Jury in this case?

23 A Yes.

24 Q At the time you testified was your recollection of
25 Mr. Brown's clothing and Mr. Brown better than it is today?

1 A Better than it is today?

2 Q Yes.

3 A You mean presently now?

4 Q Was everything fresher in your mind back then?

5 A I don't quite understand what you're trying to say.

6 Q Well, you did testify before the Grand Jury?

7 A Yes.

8 Q Do you remember when that was?

9 A Yes.

10 Q And that was quite a while -- not quite a while,
11 but a while back?

12 A Yes, right.

13 Q Now, you had seen Mr. Brown at a closer period of
14 time back then when you testified before the Grand Jury, is
15 that correct?

16 A Right.

17 Q So your opportunity to have viewed his clothing was
18 better in your mind then than it is now, correct?

19 A Right.

20 Q Now, showing you your Grand Jury testimony, I ask
21 you to read to yourself Page 4, from Lines 19 to 25. Would
22 you read it to yourself, from Line 19 to 25.

23 A Okay.

24 Q Showing you again Government Exhibit No. 13, do you
25 recall having seen Wayne Brown wear that tie at work?

1 A I still say no.

2 THE COURT: What's that?

3 THE WITNESS: I still say no.

4 I still say no, that I haven't seen him wear
5 that tie before, to be exact.

6 THE COURT: You don't remember?

7 THE WITNESS: Because I mean he wore a series
8 of ties, you know, and I mean being that I like
9 ties myself, I mean I'm not inco his clothes; I be
10 into what I wear, you know.

11 THE COURT: I see. All right.

12 BY MR. SMITH:

13 Q Did you testify at the Grand Jury that you had seen
14 him wear this tie on the job, or a tie very similar?

15 A Yes. Yes, I did.

16 Q Okay. Now, directing your attention to Thursday,
17 July 8th, 1976, did you have a conversation with Wayne Brown
18 pertaining to money?

19 A July, '76?

20 Q Yes.

21 A That's a little far back for me to recollect, to
22 be realistic about the situation.

23 Q Showing you your Grand Jury testimony, I ask you to
24 read to yourself Line 12 to Line 21. Would you read that to
25 yourself, please, Mr. Wright.

1 MR. KENNEDY: Could we know what page this is
2 on, please?

3 MR. SMITH: I'm sorry. Page 5.

4 THE COURT: Well, have you read it, Mr. Wright?

5 THE WITNESS: Yes, I read it.

6 Q (By Mr. Smith) Does that refresh your recollection?

7 A Kind of. Kind of.

8 Q Did you have a conversation with Mr. Brown right
9 about July 8th, 1976, wherein he indicated to you that he owed
10 people some money?

11 A Yes, yes.

12 Q And during the course of that same conversation did
13 he indicate to you that he was thinking about leaving this
14 area?

15 A Yes, yes.

16 MR. SMITH: Your Honor, may I have just one
17 moment to confer with Mr. Dabrowski?

18 I have nothing further, your Honor.

19 CROSS-EXAMINATION

20 BY MR. KENNEDY:

21 Q Were you also asked at the Grand Jury, Mr. Wright,
22 whether or not you had identified any pictures, surveillance
23 pictures, at the robbery as being of Wayne Brown?

24 A Did I identify him as being Wayne Brown in the
25 photo?

1 Q That's right.

2 A No.

3 Q Were you asked that at the Grand Jury?

4 A Yes. I was asked that, yes.

5 Q Had you previously been shown some pictures?

6 A Well, I've been shown the pictures before.

7 Q Yes.

8 A Yes.

9 Q You had been?

10 A Yes, I seen the photos before; yes.

11 Q Now, were you told the date the pictures were taken?

12 Were you told that they were taken on July 10th, during a
13 bank robbery?

14 A Yes, I was told that.

15 Q Now, what did you say to either the FBI or the
16 Grand Jury concerning those photos?

17 A What did I say?

18 Q Yes. What did you say?

19 A I said it looked something similar to him, but I
20 said I couldn't be for sure because it was only a picture.

21 Q Now, the truth of the matter, Mr. Wright, is that
22 you knew, having been told that that was July 10th, 1976,
23 that that could not have been Wayne Brown in the photograph,
24 didn't you?

25 A Did I?

1 Q I'm asking you that question.

2 A I don't think I did.

3 THE COURT: What?

4 THE WITNESS: I don't think I did.

5 Q (By Mr. Kennedy) Well, is there any fact that you
6 are aware of that made you positive that that wasn't Wayne
7 Brown in that photograph on July 10th?

8 A May I hear that again?

9 Q Was there any fact that you were aware of that you
10 want to tell us about where you were, yourself, positive that
11 that was not Wayne Brown in a photo in a bank, because it
12 couldn't have been, on July 10th, 1976.

13 A Well, I can't say much on that. I can't say too
14 much to say whether --

15 Q Well, was there a fact that you knew about or not?

16 A No, I did not.

17 Q Now, were you or were you not, Mr. Wright, in New
18 York City on the morning of July 10th with Mr. Brown?

19 A July 10th? What would that fall on?

20 Q Saturday. Saturday morning in July, the same day
21 the bank was robbed.

22 A Saturday Morning, July 10th. I was in New York on
23 a Saturday, yes; July 10th.

24 Q You were in New York on July 10th?

25 A Yes.

1 Q Was Mr. Brown --

2 THE COURT: When? On Friday?

3 MR. KENNEDY: Saturday.

4 Q (By Mr. Kennedy) You were in New York on Saturday,
5 July 10th?

6 A Yes.

7 Q Is that right?

8 A Yes.

9 Q Now, was Mr. Brown with you?

10 A Yes.

11 THE COURT: What?

12 THE WITNESS: Yes.

13 Q (By Mr. Kennedy) How much time did you spend with
14 him in New York?

15 A I just took a trip down there and come back.

16 Q What time in the morning did you get down there --
17 well, strike that.

18 Let me ask you this: Did you travel down there
19 with Mr. Brown?

20 A Yes.

21 Q You did?

22 A Yes.

23 Q What time -- how did you get down there?

24 A By bus.

25 THE COURT: By bus?

THE WITNESS: Yes.

1
2 Q (By Mr. Kennedy) Approximately what time in the
3 morning did you travel to New York?

4 A It was around noon. Around noon; ten, eleven,
5 something like that.

6 Q Well, the time is important, Mr. Wright.
7 What time did you arrive in New York?

8 A I don't even remember, to be realistic. I don't
9 even remember. It really done left my mind. I don't really
10 remember.

11 Q Let me ask you this: Were you in New York during
12 the morning hours of July 10th up to twelve o'clock a.m. --
13 excuse me, p.m.?

14 A No.

15 Q When did you leave to go to New York?

16 A I told you somewhere around eleven or twelve.

17 Q Well, is eleven or twelve -- eleven or twelve when?

18 A Say twelve.

19 Q A.m. or p.m.?

20 A That would be a.m., before twelve. Right?

21 Q And you left sometime between eleven and twelve
22 o'clock on the morning of July 10th?

23 A Yes.

24 Q Were you with Mr. Brown previous to eleven o'clock
25 on July 10th?

1 A Previous? No.

2 Q Were you at his apartment; was he at your apartment?

3 Where were you?

4 A No.

5 Q Did you meet him at the bus station?

6 Where were you with Mr. Brown before eleven o'clock?

7 A Where was I?

8 Q Yes.

9 A I was at my home.

10 Q Did he come to your house, did you go to his house?

11 How did you get to the bus station?

12 A How did we get to the bus station?

13 Q Yes.

14 A We walked.

15 Q Okay. So you walked to the bus station with Wayne

16 Brown?

17 A Yes.

18 THE COURT: From where? From where?

19 THE WITNESS: From Sigourney Street.

20 THE COURT: From Sigourney Street?

21 THE WITNESS: Yes.

22 THE COURT: Where do you live?

23 THE WITNESS: That's where I stayed.

24 THE COURT: That's where you stayed?

25 THE WITNESS: Yes.

1 THE COURT: He came to your place?

2 THE WITNESS: He was in that vicinity. He
3 didn't come to my place.

4 THE COURT: What?

5 THE WITNESS: He was in that area. He didn't
6 come to my place.

7 He was in that area.

8 Q (By Mr. Kennedy) Did Mr. Brown have his luggage
9 with him?

10 A Did he have his luggage with him at that particular
11 time?

12 Q Yes. Do you remember?

13 A No.

14 Q He did not, or you do not remember?

15 A He did not.

16 Q How long a walk is it from your apartment on
17 Sigourney Street -- strike that.

18 Where is the bus station? Which bus station, if
19 you remember?

20 A It's on Union Place.

21 Q That's in Hartford?

22 A Yes.

23 Q How long a walk is it from your apartment to Union
24 Place?

25 A Ten or fifteen minutes.

1 Q Did you walk all the way, or did someone give you
2 a drive some way?

3 A We walked.

4 Q What time would you estimate that you left your
5 apartment to get to the bus station, if you know?

6 A All this took place between the hours of twelve
7 and one; you know, in that particular time range, in that;
8 twelve and one.

9 Q Now, a minute ago you just told me that you left
10 for New York sometime between eleven and twelve.

11 A Yes.

12 THE COURT: Left New York?

13 MR. KENNEDY: Excuse me. Left Hartford.

14 Q Was it sometime between eleven and twelve?

15 A Yes, I would say that.

16 Q When you got to the bus station did you get right
17 on the bus, or did you have to wait around for a while?

18 A A few minutes; maybe fifteen, twenty minutes, thirty
19 minutes, something like that.

20 Q Did Wayne come over to your house before you walked
21 to New York -- I mean walked to the bus station? Excuse me.

22 THE COURT: I don't think he said he was at
23 his house. He said he saw him around there.

24 Q (By Mr. Kennedy) Let's get that clear, then.
25 Strike the other question.

1 Did you leave to walk to the bus station from your
2 house?

3 A Yes, from Sigourney Street.

4 Q Did Wayne come to your house?

5 A Well, he came to that building. Okay? We'll say
6 that.

7 Q He came to the building on which your apartment is
8 in?

9 A Yes.

10 Q How long did you stay at the building? A few
11 minutes?

12 A Yes. Not long. Not very long.

13 Q Go anyplace else, or you started to walk to the bus
14 station?

15 A We just, you know, took off and went down towards
16 town, you know.

17 Q And you walked directly to the bus station?

18 A Yes.

19 Q You didn't stop and have breakfast or something?

20 A No.

21 Q Anybody else with you?

22 A No.

23 Q Now, as best you can determine, the bus left some-
24 time between what hours - eleven and twelve o'clock?

25 A No. Between twelve-thirty and one.

1 Q The bus left Hartford between twelve-thirty and one
2 o'clock?

3 A Right.

4 MR. KENNEDY: Just a moment.

5 Q You talked to Mr. Brown previously that morning on
6 the telephone, or in any manner, before you started walking
7 down to the bus station?

8 A Did I talk to him?

9 Q Yes.

10 A No.

11 Q He just come over to your house, out of the blue?

12 A You could say that.

13 Q He just walked over to your house out of the blue
14 and you went to New York together?

15 A Yes.

16 Q Did you discuss it --

17 THE COURT: You had no previous date to go
18 to New York? You hadn't planned together to go?

19 THE WITNESS: No.

20 Q (By Mr. Kennedy) Did Mr. Brown say to you that he
21 had just -- what was Mr. Brown's, in your opinion, his demeanor
22 at the time when you met him before you started walking to
23 the bus station? Was he upset about anything, was he excited,
24 was he kind of dull? What was his --

25 A Well, he acted his normal self to me.

1 Q Did he tell you he had just robbed a bank at
2 eleven o'clock in Windsor, Connecticut?

3 A Did he tell me that?

4 Q Yes.

5 A No.

6 Q Did he have anything with him to carry any money in?

7 A No.

8 Q Do you remember what he had on, what he was dressed
9 in?

10 A No, I don't.

11 Q Did Mr. Brown tell you where he was immediately
12 before walking over to your apartment?

13 A No, he didn't.

14 Q Pardon?

15 A No.

16 Q Do you remember when you arrived in New York about
17 what time it was?

18 A Around five.

19 Q It was five o'clock by the time the bus got to New
20 York?

21 A Something like that, I suppose. I mean that's what
22 I'm telling you, I don't know. I mean you're trying to make
23 me say things I don't want to say.

24 Q No, I'm not trying to make you say anything. I'm
25 just asking you what time it was.

1 A I don't know.

2 Q You don't know?

3 A No.

4 Q Now, what time did the bus leave in the morning?

5 A I still told you around twelve-thirty and one.

6 Right?

7 THE COURT: What?

8 THE WITNESS: Around twelve-thirty and one
9 o'clock.

10 THE COURT: About twelve-thirty and one o'clock?

11 THE WITNESS: Something like that.

12 Q You're fairly certain of that?

13 A I'm not certain of nothing I'm saying, really.

14 MR. KENNEDY: I have no further questions for
15 Mr. Wright -- I have one question.

16 I have one further question:

17 Q When the police showed you the photographs and they
18 told you that was on July 10th, did you mention to them that
19 you and Mr. Brown were in New York on that day?

20 A Did I mention to them that I was in New York that
21 day? No, I didn't.

22 Q Did they ask you?

23 A No, they didn't - not that I can remember.

24 MR. KENNEDY: I have nothing further, your
25 Honor.

1 REDIRECT EXAMINATION

2 BY MR. SMITH:

3 Q Mr. Wright, it's your testimony that you went to
4 New York with Wayne Brown on the afternoon of July 10th, is
5 that correct? I believe you testified twelve-thirty-one
6 o'clock, that you got on the bus?

7 A Yes. .

8 Q What bus was it that you got on?

9 A I think it was a Greyhound. I don't know.

10 Q Might it have been a Trailways?

11 A Yes, possibly.

12 Q Are they both located in the same area?

13 A Yes, right.

14 Q But you're not sure which one it was?

15 A No.

16 BY THE COURT:

17 Q Well, one is on Union Place and the other is some-
18 where else; the other one is on High Street, isn't it?

19 A Yes. But I don't know the difference between which
20 one is located where.

21 Q What?

22 A I don't know whether Greyhound is located on Union
23 Place or the Trailways is located on the other street you just
24 mentioned.

25 Q But do you know where you left from?

1 A Yes, I know where I left from.

2 Q From Union Place?

3 A Yes, that's what I said in the beginning - from
4 Union Place.

5 THE COURT: That's what you said, right.

6 BY MR. SMITH:

7 Q And you do remember what time you left, though:
8 twelve-thirty, one o'clock?

9 A Something like that.

10 Q Now, what was your purpose in going to New York?

11 A Just to be going somewhere.

12 Q Going shopping?

13 A Just to be going. Just to be going, you know.

14 I mean I work all week. You know, nothing to do on
15 the weekends. Bored, depressed. I just take off and do some-
16 thing, you know.

17 Q Well, how long were you planning on staying?

18 A Not long.

19 Q No plans?

20 A No particular plans. I mean I couldn't stay no
21 longer than Saturday, you know, because I had to be to work
22 Monday morning. No longer than the weekend at the most.
23 That's the latest I could have stayed.

24 Q So for an unspecified duration?

25 A Right.

1 Q Okay. Did you have any clothes with you?

2 A Did I have any clothes with me?

3 Q Yes.

4 A Yes.

5 Q Toothbrush?

6 A Yes.

7 Q Razor?

8 A I had some clothes, I had some changing clothes.

9 Q Did you discuss with Mr. Brown -- when did you first
10 discuss with Mr. Brown your plans for going to New York?

11 A There wasn't no discussion. It was a spur of the
12 moment thing.

13 I mean I told you, like I said, just that I don't
14 plan nothing. I do what I do, whatever my mind tell me to do.
15 I don't plan nothing.

16 Q Why don't you tell us about the spur of the moment.
17 Tell us how this spur came about.

18 A When I saw him, and we rapped and we talked, you
19 know.

20 Q Whereabouts were you when you saw him?

21 A On Sigourney Street.

22 Q Whereabouts on Sigourney Street?

23 A In front of my house where I stayed.

24 Q What were you doing in front of your house?

25 A Standing out.

1 THE COURT: What?

2 THE WITNESS: Standing out. You know.

3 THE COURT: Yes.

4 Now, Sigourney Street near what street? Near
5 Ashley or --

6 THE WITNESS: Asylum.

7 THE COURT: Near Asylum?

8 THE WITNESS: Yes. Around there.

9 Q (By Mr. Smith) At the time you first saw Mr. Brown
10 you had already formulated your plans to go to New York?

11 A Don't take long to make no plans like that. It
12 really wasn't no plans; you know, like I say, it's just --
13 Well, yes, you can say that, right.

14 Q You had your clothes packed?

15 A No, I didn't have my clothes packed.

16 Q So you had formulated your plans, but you hadn't
17 packed the clothes?

18 A Right.

19 Q And whose suggestion was it that Mr. Brown go to
20 New York with you, yours or his?

21 A That was something like -- I don't really know
22 whose suggestion it was, really. It was just -- well, it was
23 his suggestion.

24 Q He suggested that you go to New York?

25 A Yes.

1 Q But you had already formulated your plan, though?

2 A Yes. Yes, a plan to go with him as we rapped, as
3 we talked.

4 Q Oh. Okay. Now, do you remember what you were
5 wearing that day?

6 A Do I remember what I was wearing?

7 Q Yes.

8 A I think a pair of burnt orange slacks.

9 Q What color?

10 A Burnt orange.

11 Q How about a jersey?

12 A What type jersey?

13 Q Well, do you recall what type jersey you had on,
14 if it was a jersey in fact?

15 A Yes, I had on a green knitted sweater.

16 Q Did you have a watch on?

17 A Yes.

18 Q Tie?

19 A No tie.

20 Q Wearing shoes, or sneakers, or sandals?

21 A Wearing shoes.

22 Q Remember the color of the shoes?

23 A Yes.

24 Q What color?

25 A Black.

1 Q You walked from Sigourney Street all the way up to
2 the bus terminal?

3 A Yes.

4 Q Remember what Mr. Brown was wearing?

5 A If I'm not mistaken, it was a pair of light green
6 pants and a sweater.

7 Q Pretty sure that's what he was wearing - light
8 green pants and a sweater?

9 A I think that's what he had on.

10 Q Do you know if he had sneakers or shoes?

11 A He had on shoes.

12 Q Shoes? Remember the color of his shoes?

13 A Tan, I think.

14 Q Loafers or ties?

15 A Loafers.

16 Q Now, whereabouts in New York did you get off?

17 A I don't know the slightest thing about New York.
18 I couldn't tell you where I got off of. I don't know nothing
19 about New York.

20 Q Well, did you go to Manhattan?

21 A I don't know nothing about. I don't know. I don't
22 know what part of New York it was.

23 Q How did you know that you could find relaxation and
24 relief from your depression?

25 A I wasn't searching for relaxation. I wasn't search-

1 ing for that.

2 Q What were you searching for?

3 THE WITNESS: Do I have to answer that question?

4 THE COURT: Not if you think it might incrim-
5 inate you, you don't, no.

6 THE WITNESS: Well, I think it would -- well,
7 it wouldn't more or less incriminate me, but I'd
8 rather not answer that.

9 Q All right. Well, ever been to New York on the bus
10 before?

11 A Once. Once.

12 Q Only once?

13 A Yes.

14 Q And when you went to New York before did you leave
15 from the same bus terminal that you left from this time?

16 A Yes.

17 Q Did you ever hear the term "Port Authority"?

18 A Port Authority?

19 Q Yes.

20 A Yes, I heard the term before.

21 Q Do you know if the bus that you claim to have taken
22 to New York got off at the Port Authority?

23 A Yes.

24 Q It did?

25 A Yes.

1 Q Okay. Now, whereabouts did you stay in New York?

2 A Well, I didn't stay anywhere in New York.

3 Q How long were you there?

4 A Well, about three hours after I was there. Maybe
5 say six hours altogether, something like that.

6 Q Between two to six hours?

7 A Yes.

8 Q Well, you didn't stay in the bus terminal?

9 A No, I didn't.

10 Q Did you go shopping into a store, something like
11 that? Did you go into a department store?

12 A No, I didn't.

13 Q Take in a show?

14 A No.

15 Q Well, was Mr. Brown with you in New York?

16 A Yes.

17 Q For the whole period of time?

18 A Yes.

19 Q Now, did you come back by way of the bus?

20 A Yes.

21 Q And whereabouts did you get off?

22 A At the bus terminal.

23 Q You came right back to the same place?

24 A Yes.

25 Q And then I assume that you went from the bus station

1 right back home?

2 A Right.

3 Q How did you get from the bus station back home?

4 A I walked. I walked. I walked.

5 Q Did you and Mr. Brown walk together, if you recall?

6 A I came back by myself.

7 Q You left Mr. Brown at the bus station?

8 A I left Mr. Brown in New York. I came back by myself.

9 Q Oh. I thought you said Mr. Brown came back with you.

10 A No.

11 Q Oh. Okay. I must have not heard you correctly.

12 Well, let me ask you this, Mr. Wright: Did you have
13 any money with you when you went to New York?

14 A Yes.

15 Q Do you know if Mr. Brown had any money with him
16 when he went to New York?

17 A I didn't see any.

18 Q So you don't know?

19 A No, I don't.

20 Q Did you buy his bus ticket to New York?

21 A No.

22 I purchased both of the tickets, yes; sure enough,
23 yes. I purchased both of the tickets, right.

24 Q And then he gave the money back to you for his ticket?

25 A No, he didn't pay me back.

1 Q So you did buy his ticket for him?

2 A Yes, really, if you want to look at it that way.

3 Q Now, did Mr. Brown have a briefcase with him when
4 he went to New York with you?

5 A No.

6 Q No briefcase at all?

7 A No.

8 Q And you're sure about that?

9 A I didn't see one.

10 Q Well, if he had had one with him you would have
11 seen it?

12 A Right.

13 Q But you didn't see it?

14 A No.

15 Q Now, do you know if Mr. Brown had a gun?

16 A No, I don't.

17 Q You don't know?

18 A No.

19 Q Do you know whether Mr. Brown owns a gun?

20 A No.

21 Q Now, you testified before the Grand Jury on this
22 case, correct?

23 A Yes, right.

24 Q And you were put under oath?

25 A Right.

1 Q To swear to tell the truth and everything, right?
2 And prior to testifying before the Grand Jury you
3 were interviewed by the Federal Bureau of Investigation,
4 correct?

5 A Right.

6 Q Do you remember the FBI agent who interviewed you?

7 A Right.

8 Q Remember what he looked like?

9 A Yes.

10 Q What does he look like?

11 A He's sort of -- well, he's short; you know, he's
12 sort of short and chubby - like, you know, stout.

13 Q Does he wear glasses?

14 A Yes.

15 Q Straight hair, curly hair?

16 A I can't exactly say what type of hair he got.

17 Q If I mentioned his name would you recall it?

18 A No.

19 Q Does the name Harry Willis mean anything to you?

20 A No, it don't.

21 Q But you do recall being interviewed by the FBI?

22 A Right.

23 Q And did you tell the FBI the truth?

24 A Yes.

25 Q Okay. And you told the truth in the Grand Jury?

1 A Right.

2 Q Now, when did you first remember that you had gone
3 to New York with Wayne Brown on July 10th?

4 A I knew all the time that I had been to New York
5 with him. I knew all the time.

6 Q Okay. And you told the FBI that?

7 A No, I didn't. They didn't ask me that.

8 Q They didn't ask you that?

9 A No.

10 Q Are you sure about that?

11 A Well, if they did I don't remember.

12 Q Isn't it a fact that you told the FBI, when they
13 interviewed you, that the last time you saw Wayne Brown was
14 on July 8th, 1976? Isn't that a fact?

15 A Yes. That's a fact.

16 Q You did tell them that. And you just testified
17 that that was the truth when you told the FBI that.

18 A Yes.

19 Q So it's true that the last time you saw Wayne
20 Brown was on July 8th, 1976?

21 A That's hardly possible for that to be true. I just
22 told you we went to New York.

23 Q But you just said a minute ago you told the FBI
24 the truth.

25 A Right.

1 Q But you didn't tell the FBI the truth?

2 A Right.

3 Q You lied to the FBI?

4 A Yes, you can say that.

5 Q Why did you lie to the FBI?

6 A Because for one thing, I didn't want to even get
7 involved. I don't think it's my responsibility to even be
8 involved in this, you know. I don't have no reason to be
9 here from the beginning, I don't think.

10 Q Now, isn't it a fact that you also told the FBI
11 that you had no idea as to Wayne Brown's whereabouts?

12 A Right.

13 Q Was that true?

14 A Well, I mean, well, at that particular time I
15 didn't have no idea.

16 Q Now, after you testified before the Grand Jury did
17 you talk with a man by the name of Mr. Neddow?

18 A Mr. who?

19 Q Mr. Neddow.

20 A I don't remember him by name.

21 Q Did you talk with a private detective at all?

22 A Private detective? Did they both come at the same
23 time? If they came at the same time, I can remember talking
24 to two individuals. But as far as one coming separately,
25 I don't recall that.

1 Q When was the first time, Mr. Wright, that you told
2 this story to anyone?

3 A What story?

4 Q About you going to New York with Wayne Brown on
5 July 10th.

6 A This is the first time right here.

7 Q This is the first time right here?

8 A Right.

9 Q Never told the story before?

10 A Right.

11 Q Who have you talked to between the time you testi-
12 fied in the Grand Jury and your testifying in here today
13 about this case?

14 A I think the defender, the public defender. Other
15 than that.

16 MR. SMITH: May I have just a moment, please,
17 your Honor.

18 Q Now, Mr. Wright, you do remember being interviewed
19 by this FBI agent to whom you told that story?

20 A Yes, I remember.

21 Q Now, this was after July 10th, correct?

22 A After July 10th?

23 Q Sure.

24 A Yes, I guess so.

25 Q Well, no reason for the FBI to be interviewing you

1 before July 10th --

2 A Yes, right.

3 Q -- because nothing happened before July 10th. It
4 was after July 10th.

5 A Right.

6 Q As a matter of fact, it was just a couple days
7 after July 10th, was it not?

8 A Right.

9 Q So if you truly had gone to New York everything
10 would have been fresh in your mind, correct?

11 A Beg pardon? What did you say?

12 Q Let me just ask another question.

13 You were with Mr. Brown in New York?

14 A Yes.

15 Q Do you know if he bought any clothing down there?

16 A Did he have any clothes?

17 Q No. Did you know if he bought any clothing down
18 there?

19 A No.

20 Q You don't know?

21 A No.

22 Q Might he have bought clothing?

23 THE COURT: Well, he might have done anything.

24 Q When you were with him.

25 BY THE COURT:

1 Q How long were you with him after you got to New
2 York? He didn't come back with you, right?

3 A Couple hours.

4 Q What?

5 A I was with him a couple hours.

6 Q A couple of hours?

7 A Yes.

8 Q Then he went one way and you went another, is that it?

9 A Right.

10 Q All right. And you got on the bus to come back
11 about what time?

12 A It was something like maybe one, twelve; maybe
13 twelve. You know, it was about twelve, something like that.

14 Q About when?

15 A About twelve o'clock that night.

16 Q About twelve that night. So you got home what -
17 three, four in the morning; four o'clock?

18 A Something like that.

19 MR. SMITH: I have nothing further, your Honor.

20 RE CROSS EXAMINATION

21 BY MR. KENNEDY:

22 Q Mr. Wright, you didn't tell that story that you just
23 told to Mr. Neddow, did you? You didn't tell this chain of
24 events to Mr. Neddow when you talked to him?

25 A It's kind of hard to say the same thing twice, anyway,

1 around here.

2 Q Did you ever talk to me about this case?

3 A No, I haven't.

4 Q Have you talked to the defendant, Wayne Brown,
5 about this case at all since he's been arrested?

6 A No.

7 Q Have you even seen the defendant, Wayne Brown?

8 A No.

9 Q Now, did the defendant Wayne Brown tell you when
10 you were with him in New York that his intentions were to go
11 home to North Carolina to his family?

12 A Not in New York.

13 Q To North Carolina.

14 A This was earlier conversations. This didn't occur
15 in New York.

16 Q Okay. But he told you that, is that right?

17 A Yes.

18 THE COURT: When?

19 THE WITNESS: This was early, maybe on the job,
20 somewhere on the job before.

21 THE COURT: Nothing was said about it that
22 Saturday morning?

23 THE WITNESS: No.

24 THE COURT: Or that Saturday at all?

25 THE WITNESS: Not that I remember.

1 THE COURT: No.

2 Q (By Mr. Kennedy) Well, was something said about it
3 a few days preceding that?

4 Well, let me ask you this question. Strike that.

5 Did you work with Mr. Brown on the 7th and the 8th
6 and the 9th? Would you see him at Royal Typewriter?

7 A 7th, 8th, and 9th, would I see him?

8 Q Yes.

9 A Yes, I would see him.

10 Q In other words, if you were both working that day
11 you would have seen him?

12 A Yes.

13 Q Can you remember whether or not he was at work
14 those days; three or four days preceding the 10th?

15 A The 7th, 8th and 9th?

16 Q Yes. That would be a Wednesday, Thursday and Friday.

17 A Yes.

18 Q Is this during the time period he told you that he
19 was going to go home, or was it preceding that?

20 A It was before. It was before that.

21 But getting back to that question you just asked,
22 I can recall him being at work those days. I think I can
23 recall those days that he worked.

24 Q Let me ask you this: When you were before the
25 Grand Jury did anybody ask you any questions at all about

1 were you with Wayne Brown in New York, or did you go someplace
2 with him on July 10th, or where were you on July 10th?

3 They never asked you anything like that, did they?

4 A Not that I can remember.

5 MR. KENNEDY: I have nothing further.

6 MR. SMITH: Nothing further, your Honor.

7 THE COURT: You can step down, Mr. Wright.

8 THE WITNESS: Is that it?

9 THE COURT: Yes. You may be excused.

10 (Witness excused.)
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1 L I N D A H A L L, called as a
2 witness, being first duly sworn, was examined, and
3 testified as follows:

4 THE CLERK: Would you please speak loudly
5 and clearly, and will you tell the Court your name?

6 THE WITNESS: Linda Hall.

7 THE CLERK: And your address, Miss Hall?

8 THE WITNESS: 50 Turley Road.

9 THE CLERK: In what town.

10 THE WITNESS: Hartford.

11 DIRECT EXAMINATION

12 BY MR. SMITH:

13 Q Miss Hall, do you know Wayne Brown?

14 A Yes.

15 Q Can you describe your relationship with him?

16 A He was my boyfriend.

17 Q And how long did you date him?

18 A About four months, four or five months.

19 Q When did you break up with him?

20 A I really couldn't say. Maybe about two months ago.

21 Q Okay. Well, were you going out -- was Wayne Brown
22 your boy friend in July?

23 A I don't know. July.

24 Yes, I think so. Yes, I think so.

25 Q Have you ever been to Wayne Brown's apartment?

1 A Yes.

2 Q Miss Hall, right in front of you on the stand there
3 are a pair of sunglasses which are marked as Government Ex-
4 hibit 1. Would you look at those and tell me if you recog-
5 nize them.

6 A I don't know.

7 Q Did you testify before the Grand Jury in this case?

8 (Pause)

9 A I had a pair of glasses at Wayne's house, but I
10 don't know if these are the ones.

11 Q You had a pair of glasses?

12 A Yes, I did. I left a pair up there. It was a
13 friend of mine's that left them.

14 Q You had a pair of sunglasses which you left at
15 Wayne's house?

16 A They were a friend of mine's glasses. They weren't
17 mine. But seeing that I was responsible for them, I say they
18 were mine because a friend of mine left them there.

19 Q Do these look like the sunglasses that were left
20 there?

21 MR. KENNEDY: Well, I object to the question.
22 It's not whether they look like; it's whether they
23 are.

24 THE COURT: Sustained.

25 Q Did you testify before the Grand Jury in this case?

1 A What's the Grand Jury?

2 Q Do you remember the --

3 A Oh. The room down there?

4 Q The prior proceeding.

5 A Yes.

6 Q Placed under oath and you were asked to testify.

7 A Yes.

8 Q Do you remember being shown these glasses, or a
9 pair of glasses?

10 A I was shown a pair of glasses, yes.

11 Q Okay. Would you please read to yourself -- I'm
12 referring to your Grand Jury testimony, Page 4 -- would you
13 please read to yourself from Line 21 down to the bottom of
14 the page, and then on Page 5 from Line 1 to Line 9, and see
15 if that refreshes your recollection about those sunglasses.

16 (Pause)

17 Q I think you're going a little bit too far.

18 A Too far? Oh, I'm sorry.

19 Q You've read that?

20 A Yes, I read it.

21 Q Now, does what you have just read refresh your
22 recollection about these sunglasses?

23 A I was shown a pair of sunglasses and by me knowing
24 that I had left a pair up Wayne's -- you know, at Wayne's
25 apartment, I just took it for granted that those were the

1 glasses.

2 Q Is it not a fact that the sunglasses that you
3 were shown in the Grand Jury you positively identified as
4 being glasses that were left in Wayne Brown's apartment?

5 A There were some glasses at Wayne's left there.

6 MR. SMITH: May I have just a second, your
7 Honor.

8 Q Showing you also a tie, Miss Hall, which is marked
9 as Government Exhibit No. 13, do you recognize this tie?

10 A Like I said at the Grand Jury, Wayne has a lot of
11 ties. I don't believe that I said that this was his tie,
12 but he does wear a lot of ties. So I really couldn't say
13 that that belongs to Wayne.

14 THE COURT: As of now can you say?

15 THE WITNESS: No, I can't.

16 Q (By Mr. Smith) All right. Did you ever see
17 Wayne Brown wear a tie similar to this?

18 A I see him wear a lot of ties, but I couldn't say
19 for sure.

20 Q Is it fair to say that your recollection of Mr.
21 Brown's clothing was a lot better when you testified before
22 the Grand Jury than it is today?

23 A Beg your pardon?

24 Q Was your recollection, the way you remember Mr.
25 Brown's clothing, things that he wore, better a couple months

1 ago than it is today?

2 A He always dressed very neat and clean. Always.

3 Q Okay. Would you like to read your Grand Jury
4 testimony --

5 THE COURT: What is this about - the tie?

6 MR. SMITH: Yes, your Honor.

7 Q I ask you to read Page 3, Line 24 at the bottom,
8 and go over to Page 4, up to Line 6.

9 Does that refresh your recollection?

10 A Yes.

11 Q Miss Hall?

12 A I said I wasn't sure.

13 Q Pardon me?

14 A I said I wasn't sure.

15 Q Yes. But you said it looks like ties that you
16 seen him wear?

17 A It could look like it. He wears ties.

18 Q Showing you a pair of pants, Miss Hall, which are
19 marked as Government Exhibit 15, did you ever see Wayne
20 Brown wearing these pants?

21 A I think so.

22 Q Okay. Showing you a briefcase -- let me ask you,
23 before I show you this specific briefcase, did you see Wayne
24 Brown carrying briefcases frequently?

25 A Yes, I have.

1 THE COURT: Well, did you ever see what he
2 carried in it?

3 THE WITNESS: No, I have not.

4 Q Showing you a briefcase which is marked as Govern-
5 ment Exhibit 11, have you ever seen Wayne Brown carry this
6 briefcase?

7 A I seen him carry a briefcase, but to be specific
8 and say that's the one, I could not, because I don't know
9 nothing about briefcases.

10 Q All right. Well --

11 A It looks like it.

12 Q Do you recall whether you've ever seen this brief-
13 case in Wayne Brown's apartment?

14 A He had a whole lot of briefcases.

15 Q Okay. But do you recall whether you ever saw this
16 specific briefcase?

17 A I think so, yes.

18 Q Okay.

19 THE COURT: Wait a minute.

20 You see a lot of briefcases. You mean he had
21 more than one?

22 THE WITNESS: Yes.

23 THE COURT: How many did he have, when you
24 say "a lot"? You mean he had a lot of them?

25 THE WITNESS: Yes.

1 THE COURT: About how many?

2 THE WITNESS: Maybe about five.

3 THE COURT: About five.

4 Q (By Mr. Smith) One final thing, Miss Hall.

5 Did you ever see this bag which is marked as Govern-
6 ment Exhibit No. 8?

7 A No.

8 Q Do you know what Tuesday's is?

9 A Yes.

10 Q What is it?

11 A It's a store where you go buy clothes.

12 Q Did you ever go shopping with Mr. Brown for clothing?

13 A Yes.

14 Q Did you ever go to Tuesday's?

15 A Not that I can remember.

16 Q Do you know what kind of clothes they sell in
17 Tuesday's - men's clothing, women's clothing?

18 A Mostly men's clothing.

19 Q Do you know if Wayne Brown has a gun?

20 A No, he never had a gun.

21 Q Do you know whether he has a gun?

22 A Not when I was with him he never had a gun.

23 Q You don't know whether he ever had a gun?

24 A When I was with him I know he did not have a gun.

25 Q Okay. Do you know whether he owned a gun?

1 A No.

2 Q You don't know?

3 A No.

4 MR. SMITH: I have nothing further, your Honor.

5 CROSS-EXAMINATION

6 BY MR. KENNEDY:

7 Q Now these pants, Mrs. Hall, isn't it fair to say
8 that Wayne Brown may have worn a pair of pants that looked
9 like these, but you're not certain whether this exact pair
10 is a pair that was his or not?

11 A No, I'm not certain.

12 Q Does he ever wear a hat?

13 A No.

14 Q Ever see him wear a hat?

15 A No.

16 Q Now these sunglasses, what are you telling us about
17 these sunglasses?

18 A I'm really not certain.

19 Q You're not sure if these belong to a friend of yours
20 or not?

21 A No, I'm not.

22 Q Is this friend a man or a woman?

23 A A man.

24 Q So you're not sure about the sunglasses?

25 A No, I'm not.

1 Q Now the briefcase, Exhibit 11, I believe it is,
2 you said that this particular briefcase -- well, what are
3 you saying today? Are you saying you can positively identify
4 this briefcase as one of Wayne's?

5 A No, I'm not. No, I'm not saying that.

6 I can't positively identify it because he had other
7 briefcases and I don't know that much about briefcases.

8 Q You didn't positively identify that briefcase in
9 front of the Grand Jury either, did you?

10 A Not that I can recall, no.

11 Q Is it a fair statement to say that you're not sure
12 whether anything that's been shown to you belongs to Wayne
13 Brown?

14 A Right. I'm not sure.

15 MR. KENNEDY: No further questions.

16 THE COURT: That's all?

17 May be excused, Miss Hall.

18 (Witness excused.)

19 THE COURT: Is this a good time for a recess?

20 MR. DABROWSKI: Your Honor, the next Government
21 witness is Arlo Lewis and Mr. Kennedy wants to
22 address the Court with regard to that witness prior
23 to his being called.

24 MR. KENNEDY: I think this is a good time for
25 a recess.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

APPELLEE

VS.

WAYNE BROWN,

APPELLANT

DOCKET NO. 77-1030

CERTIFICATION OF SERVICE

In accordance with Rule 25 (d) F.R.A.P., the appellant, Wayne Brown hereby certifies that on the 23rd day of February, 1977, a copy of the appellant's brief and appendix was hand delivered to Albert S. Dabrowski, Esq., Assistant U.S. Attorney, 450 Main Street, Hartford, Connecticut and that on said date eight copies of said brief and appendix were mailed, postage prepaid to the United States Court of Appeals for the Second Circuit, United States Courthouse, Foley Square, New York, 10007.

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